With the compliments of Mr. Sachchidananda Sinha for the honour of the book being reviewed, and with a request for a copy of the notice being sent to him to Patna Jn., E. I. R.

A SELECTION FROM

THE

SPEECHES AND WRITINGS

OF

Sachchidananda Sinha

Bar-at-Law and Editor of "The Hindustan Review"

WITH

A FOREWORD

BY

C. Y. CHINTAMANI

Editor of "The Leader," Allahabad

AND

A PERSONAL NOTE

BY

RAJENDRA PRASAD

(President, Indian National Congress, 1934–5)

RAM NARAIN LAL

Publisher and Bookseller

ALLAHABAD

[Price Rs. 5

DEDICATORY EPISTLE.

TO THE RIGHT HON'BLE SIR TEJ BAHADUR SAPRU,
K. C. S. I., LL. D., P. C.

MY DEAR TEJ BAHADUR,

For more years than I care to remember—now somewhere near forty—we have been intimate friends. There have been during this long period a few occasions when you and I have differed on some public questions. It is also true that on some subjects we hold, and will perhaps continue to hold, divergent views. But these inevitable differences on a few public questions have never, in the least, affected the course of our friendship, which has grown with our growth, strengthened with our strength, and weathered many a storm—but which will last, I trust, for what to both of us may remain of our short passage, from shore to shore. All these years my respect for your character and my admiration for your great qualities have continued to be deep and abiding. Since I first met you, during the late nineties of the last century, you have risen from eminence to yet higher eminence. Your legal acumen, juristic erudition, forensic skill, masterly advocacy, selfless public career, distinguished achievements in many a position of great responsibility, and earnest endeavours for securing India's political and economic advance, have won for you my esteem and regard. I do not know what value, if any, this collection of my speeches and writings—or rather a selection therefrom—will have for others, but to me it is a matter

of intense satisfaction and genuine gratification that you have permitted me to associate it with your great name, and that by accepting its dedication, you have enabled me to raise a humble memorial to our life-long friendship. To conclude with a free rendering into English, of an ode in the language of Persia (now officially called "Iran"), the splendid literature enshrined in which has been a source alike of solace and inspiration to both of us, these many years :—

> Although this book of mine is all unmeet,
> My very great friend, to lay at thy dear feet,
> I think that alchemy which worketh still
> Can turn to gold this copper ; if it will,
> Enlarge its merits and ignore its ill.
> So come I now to thee, for my book to claim
> Even so great an honour as thy name !

Ever yours affectionately,

SACHCHIDANANDA SINHA.

7, ELGIN ROAD,
ALLAHABAD,
31st March 1935.

FOREWORD.

By Mr. C. Y. Chintamani.

It gives me a peculiar pleasure to introduce this publication to the reading public. My relations with Mr. Sachchidananda Sinha are of such long standing, and have been so cordial and intimate, that I esteem it a privilege to be asked to write this foreword. In reality, I consider it a superfluity, for Mr. Sinha is one of the best known of our public men. He has attained eminence both at the bar and in public life. He has distinguished himself equally in the legislature, in conferences and on the platform. Clear-headed, persuasive and eloquent, Mr. Sinha has rarely made an enemy or lost a friend. His public services, which extend over a period of two generations, are too many to be detailed here. But this is not necessary as they are so distinguished as to be known to almost all who take an interest in public affairs. As Mr. Sinha is several years senior to me, both in age and in public life, it will not become me, as a Hindu imbued with the quality of respect for age, even to appear to be sitting in judgment—if appreciative judgment—on one whom I admire. But this does not deter me from commending most heartily the speeches and writings collected in this volume to the attention of my countrymen as well as of Englishmen. There is in this collection a wealth of knowledge and ability, of patriotism, as well as a large fund of humour. The subjects are various and such as to appeal to readers of every taste and every opinion. Not many are the public men

of India who have taken pains to place before the reading public so much and such systematized material; and Mr. Sinha, who is one of the few who have done so, deserves and will cheerfully be given all the credit that is his due for this latest service to the country.

ALLAHABAD,
20th February 1935.

Mr. Sachchidananda Sinha: A Persona Note.

By Rajendra Prasad, President, Indian National Congress.

Mr. Sachchidananda Sinha has had a most distinguished and a varied public career. He started life as a social reformer when, as the first Beharee Hindu of his generation, he took courage and crossed the seas, and went to England for study. On his return, he had to face serious opposition from the community, but remained firm. He took another advanced step in the direction of social reform when he married a lady belonging to a different subsection of the Kayastha community, of which he is such a distinguished member. At the time both these steps were considered revolutionary, but the Kayastha community, as a body, has since then accepted both these reforms as necessary, and formally sanctioned them. To-day crossing the seas appears to be such an ordinary thing that we are apt to think as if it had always been the same. Those who can recollect the great agitation which followed the re-admission of Dr. Ganesh Prasad (who has unhappily just passed away), and of the late Mr. Parmeshwar Lall, on their return from Europe, will remember what a tough fight the reformers had to put up. Marriage between the members of different subsections of the Kayasthas has not yet become so common, but it is no longer tabooed amongst them. To Mr. Sinha belongs the

credit of being a pioneer, in his own person, in respect of both these important items of social reform.

It is not, however, as a social reformer only that Mr. Sinha is known in the country. He is perhaps the sole surviving member of that noble band of Beharees who, since the nineties of the last century, have been so prominently associated with the public life of Upper India, and particularly of Behar. Mr. Sinha was among those who started the movement for the creation of a separate province of Behar. It was much misunderstood at the time, and was looked upon as a movement for securing the loaves and fishes of office for the Beharees. But those who entered into the spirit of it knew—and the events that have happened since have shown—that it was necessary for the self-expression of Behar. The idea was accepted by the Congress when it divided the country into provinces on the basis of linguistic differences. It is now being gradually given effect to by the Government also. Behar was created as a separate province in 1912, and now Orissa and Sind are going to be similarly separated in the near future.

Mr. Sinha was prominently associated with the Congress for a long time, and was Secretary of the session held at Patna, in 1912. He parted company with it only when it embarked on a programme of Non-Co-operation and Civil Disobedience. But he has never ceased to associate cordially with Congressmen, and his house and hospitality have been always available to them. His benefactions in the shape of his splendid gift of a great public library and a town hall, at Patna, are only a public expression of that essentially generous nature

which has never cared to earn and amass for himself, and has always felt pleasure in giving to others not only good and dainty dishes, but also the far more valuable gift of his time and energy, and of his great talents and abilities. Mr. Sinha has been a distinguished advocate at the Bar, but it is well-known that his heart and mind have been set far more on a study of public questions and affairs than of learned treatises on legal lore, or authoritative rulings by distinguished judges. A keen and devoted student of the Victorian literature Mr. Sinha possesses, despite his professions to the contrary, a deep and abiding interest in Hindi and Urdu literatures, and one has only to step into his bedroom to see a collection of the works of the masters, nicely bound and tastefully set in an open book-case near his bed.

It is journalism, however, which has been Mr. Sinha's great love. He has been conducting, as its founder-editor, a high-class monthly (first under the name of the *Kayastha Samachar*, and then as the *Hindustan Review*) for now over thirty-five years, with the exception of the period of five years when he was a member of the Executive Council of the Governor of Bihar and Orissa. He has been a member of the Imperial Legislative Council, the Legislative Assembly, and the Provincial Council, for several terms, and has held the high office of the Deputy President of the Assembly, and of the President of the Behar Legislative Council. He has presided at the Behar Provincial Conference, the Agra and Oudh Provincial Conference, and the All-India Kayastha Conference. He has appeared as a witness before various Committees and Commis-

sions. In all these capacities he has had opportunities of writing and speaking on varied subjects of public importance. His writings are always enriched by a wealth of quotations from authoritative persons and sources. In the pages that follow, the reader will find a select collection of his writings and speeches dealing with many subjects, written or uttered under varying conditions. In his statement as the Finance Member of the Government of Bihar and Orissa, we see clearly the restraint and the limitation which such an office in the present conditions of our country imposes. In his presidential address at the Kayastha Conference we see the genuine nationalist speaking. Again, in his notes and writings regarding constitutional questions we find the advanced nationalist putting forward with conviction and emphasis the demands of India. Mr. Sinha also commands a fund of humour, a fine specimen of which the reader will find in his speech, delivered in the Behar Legislative Council, in connection with the Excise policy of the Local Government. In the *Hindustan Review* one of the most attractive features is the editorial survey of the events and happenings of the month, and there are not a few who read that periodical more for that than for anything else.

We may not agree with all the views held and expressed by Mr. Sinha, from time to time, on all public questions, but we can all profit by a study of the opinions of one who has devoted his life-time to their study, and stated them in a style at once trenchant and attractive.

PUBLISHER'S NOTE.

We have been able with the kind assistance of Mr. V. Sundaram Aiyar, Assistant Editor of the *Hindustan Review*, to get together here most of the scattered writings and speeches of Mr. S. Sinha. We are responsible for the selection, and the arrangement in the present volume is ours. Among the addresses we have included one which was actually written by Mr. Sinha for an eminent friend, who could not himself find time to write it. We are grateful to his son for permission to print it.

We regret that the book appears without an Index. The omission will be repaired if a second edition is called for.

CONTENTS.

Part I.—(Administrative.)

Part II.—(Political.)

I

DYARCHY OR PROVINCIAL AUTONOMY IN INDIA.*

Council of State.

I am writing this note not as one of dissent but to supplement, from the Indian point of view, the observations of my hon'ble colleagues, on the Reserved side, which are embodied in the despatch on the question of a further advance towards provincial autonomy. Before doing so, however, I may state that I am in full agreement with the views expressed in the despatch, except in one instance noted below, on the various remedial measures with a view to remove the mere administrative defects from the working of dyarchy. That one point of difference between my hon'ble colleagues and myself is in regard to the suggestion to amend section 67-A of the Government of India Act, with reference to the constitution and powers of the Council of State. It is not necessary for me to refer at length to this particular point, but I am strongly of opinion that (whatever defects there may be in the constitution and powers of the Council of State, from the Government's point of view) it would be a great mistake in the present temper of the people to think of conferring upon the Council powers which may have the effect of controlling the activities of the Assembly. Such powers might have been conferred upon the Council in the Bill itself before its enactment, but just at present, in view of certain recent instances, to which it is not necessary for me to refer in detail, there is a considerable volume of advanced public

* [*A minute, dated 18th July 1924, appended to the despatch of the Governor-in-Council of Bihar and Orissa, in response to the Government of India's letter asking for the opinion of the various Provincial Governments on the working of the Montagu-Chelmsford Reforms.*]

opinion against the very existence of the Council of State and any attempt, on the part of the Government, to invest the Council by means of statutory amendment with larger powers of control, is bound to evoke very strong opposition and to deepen discontent. For these reasons I am in favour of leaving the constitution and the powers of the Council of State alone. For the rest I am in full agreement with the views expressed in the despatch in paragraphs 9 to 23.

Rules of Business.

I do not find in the despatch any reference to the grievance of the Hon'ble Ministers that " the rules of Executive Business are binding upon the Ministers, though made without consulting them." I am aware that it is so because the power of making the rules, for the disposal of the Executive Business in the provinces, is vested, under the Government of India Act, in the Governor alone. It would be, however, in my opinion, an improvement if the section sanctioning the present practice were to be so amended that the Governor might share this responsibility with all the other members of his Government, so that the rules may carry with them the concurrence of all of them, or, at any rate, of a majority of them.

Terms of Reference.

I shall now deal at some length with the views propounded in the despatch that " any discussion of its merits or demerits (*i. e.*, of dyarchy) is outside the terms of reference." I am not quite satisfied that that is so. My reasons are these: In the letter of the Government of India (dated the 8th April 1924) initiating the enquiry, two passages are quoted from the speeches, made on different dates, by the then Home Member, Sir Malcolm Hailey. The extract quoted from the first speech ends as follows :—" It may even be—I can say nothing as to this—that the enquiry may show that some changes are required in the structure of the Act in order to rectify definite and ascertained defects experienced in actual working." If I understand this passage aright, it would make the scope of enquiry quite comprehensive, and its object no less than the practical scrapping of the Reform Act itself—if that

be found necessary, in the last resort. The second extract from the speech is couched in more guarded language and—if it stood alone—would limit the scope of the enquiry to the removal of the defects, if any, in the working of the Act, through the instrumentality of the rule-making power under the Statute, as the enquiry "does not extend beyond that scope to the amendment of the constitution itself." But though this is so emphasised in Sir Malcolm Hailey's second speech, I find the following passage appearing in the fourth paragraph of the Government of India's letter under consideration :— "Efficiency in the working of this Constitution and increased contentment with its conditions may be attained either by changes in the rules under the Act, or, it may be, by such changes in the detailed provisions of the Act as are not barred by the limiting considerations above referred to," or—what follows now is very important, to my mind—"they may be sought in advance towards a further stage of constitutional development." Then after repeating the limitations laid down in the extract from Sir Malcolm Hailey's second speech (quoted above), the letter proceeds :—"Those limitations restrict the scope of enquiry in this direction, but the Government of India desire that any possibility within the field may be fully explored." The two extracts reproduced from Sir Malcolm Hailey's speeches, taken along with those I have already quoted from paragraph 4, left room for doubt as to the precise scope and object of the enquiry. It was, therefore, that the Central Government themselves issued their communique on May 16th, acknowledging that "some doubt appears to prevail regarding the precise scope of the enquiry into the working of the Government of India Act which has been initiated by the Government of India." The communique, therefore, summarised the scope and the object of the enquiry as follows :—

(1) To enquire into the difficulties arising from or defects inherent in the working of the Government of India Act and the rules thereunder.

(2) To investigate the feasibility and desirability of securing remedies for such difficulties

or defects, consistently with the structure, policy and purposes of the Act.

(A) by action taken under the Act and rules, or (B) by such amendments of the Act as appear necessary to rectify any administrative imperfections.

But even the official summary, quoted above, leaves the scope and the object of the enquiry a little doubtful. The last clause B of section (2) which suggests structural changes in the Act as may appear to be necessary to rectify any administrative imperfections by amendments of the Act of 1919 itself, is, to my mind, about as vague as the declaration by Sir Malcolm Hailey in the extract quoted from his first speech.

The Correct Interpretation.

In this connection it is to be remembered that in the second extract, quoted from Sir Malcolm Hailey's speech, the Home Member declared that he had the full authority of His Majesty's Government in making the declaration that he did on the occasion. In this view of the matter the speech delivered since, as to the scope and the object of the enquiry, by the Prime Minister, becomes very important, as indicating what is at the back of his mind in having directed it. I, therefore, quote below an extract from the Prime Minister's recent speech in which a pointed reference is made to the proposed enquiry. This is what Mr. Macdonald is reported to have said : "We know of the serious condition of affairs in India and we want to improve it." As Lord Olivier says, without equivocation, 'Dominion Status for India is the idea and the ideal of the Labour Government.' If I may say so to our Indian friends : Do your bit for British democracy : keep your faith in a British Labour Government. An enquiry is being held by the Government, which means that enquiry is to be a serious one. We do not mean it to be an expedient for wasting and losing time. We mean that the enquiry shall produce results which will be a basis for consideration of the Indian Constitution, its working and its possibilities, which we hope will help Indians to co-operate on the way towards the creation of a system which will be Self-Government." Now what does it all mean ? Does it imply an enquiry

such as was foreshadowed by Sir Malcolm Hailey in his second speech—the amendment of the rules made under the Act—or does it imply one on the lines suggested by him in his first speech and also in the fourth paragraph of the Government of India's letter? Interpreting the Prime Minister's observations, as well as I can, I am of opinion that what Mr. Macdonald intended to convey was that the Committee should suggest substantial amendments in the Reforms Act itself, so that the results of the enquiry may be "a basis for consideration of the Indian Constitution, its working and its possibilities" which "may help Indians to co-operate on the way towards the creation of a system which will be Self-Government." Now I do not suppose it can seriously be urged that some mere tinkering, or a few modifications in the rules framed under the Act, is what was at the back of the Prime Minister's mind when he made the declaration I have quoted. Taking, therefore, into consideration the various passages and pronouncements referred to above, I think that we should in our reply to the Government of India's letter, keep in view the wider possibilities of substantial reform leading to Dominion Status for India, which seem to me to be well within the purview and the scope of the enquiry. If we merely confine ourselves to suggestions about the alterations or amendment of the rules in force at present and do not express our views on the substantial amendment of the constitution itself, we may be letting judgment go by default.

Defects of Dyarchy.

Leaving aside for the present purely political considerations and confining myself absolutely to the inherent administrative defects of the system in force in the Provincial Governments, the question is what these imperfections and defects are, and the only reasonable answer is that they are nothing apart from the inevitable concomitants of the system of dyarchy itself. I had the advantage of some long discussions with Mr. Curtis, when he was touring about the country propounding his scheme of dyarchy, and in spite of his being a very persuasive debater, I remained unconvinced, and told him candidly that the system he was advocating would,

if adopted, be found practically unworkable, and would fail to achieve its object either from the administrative or the political point of view. I am, therefore, glad to find myself in agreement with my hon'ble colleagues on the merits and demerits of dyarchy as the basis of our system; and I desire to express my complete concurrence with their important observations on the subject to the following effect:— "There is very little that can be done to smooth the working of dyarchy or to eliminate its administrative imperfections. Whatever defects exist are inherent in the system itself." I am glad to find myself so far in absolute agreement with them. If (as remarked by the late Viscount Bryce in his monumental work on "The American Commonwealth," Volume I, page 357) "the true value of a political contrivance resides not in its integrity, but its adaptation to the temper and circumstance of the people for whom it is designed," then I have no hesitation in saying that no political system could be worse adapted to its objects than dyarchy in the provinces of the Indian Empire. The inherent defects of the system of dyarchy are patent on the surface. "Parliamentary Governments," says Professor Lowell (in his standard work on "The Government of England," Volume II, Chapter LVI), "avoid deadlocks by making the executive responsible to the Legislature." "Presidential Government," he continues, "limits deadlocks because all the organs of the State must alternately submit to a superior tribunal, the electorate of the nation." But a Government like that established in almost all the provinces of India (and Burma)—composed of an elected legislature and a divided executive, with a Governor at its head armed with fairly extensive powers and working one-half of the executive with the aid of a Council appointed by His Majesty the King-Emperor and not responsible to the legislature, and the other half with the aid of Ministers appointed by himself and responsible to the legislature—is not only too complex and complicated, but one which being unknown to constitutional history is naturally unwarranted by political experience as a satisfactory solution of the problem of an efficient executive, sufficiently amenable to the control of popular representatives. In this connection I may quote a well-

known historical incident which seems to have bearing on this point. After Akbar had formally founded and declared himself the high priest of his new religion, "Din Elahi," he asked his near relation, Raja Man Singh, to join the new church. Man Singh said: "Sire, I and all I have are yours. I shall gladly obey your Royal command, but if I had my option, I had rather not to do so. If Your Majesty had asked me to become a Mussalman, I might have understood it, for I understand Hinduism, and I understand Islam; but I confess, I do not understand this hybrid creed which Your Majesty has established." As a wise man, Akbar did not press the matter further. This incident not only adorns a tale, but points a great moral and is, to my mind, apposite to the question under consideration.

The Political Aspect.

Looking at the question now from the political standpoint, it is not to be wondered at that those educated Indians who seek the abolition of dyarchy contend that they understand a benevolent despotism—such as British Government was in this country till the pre-Reform days—and also responsible Government, as it obtains in the Dominions of the British Commonwealth, but they do not and cannot appreciate the hybrid system of dyarchy, which is admittedly neither the one nor the other. It is useless to reason with people who bring to bear upon this question the frame of mind suggested by Raja Man Singh in the anecdote I have quoted; nor can it be seriously urged that they are wrong in taking this view of the matter. In his "Government and Parties in Continental Europe" (Volume I, page 103) Professor Lowell, after analysing the constitutions of various Continental States, points out that the result of his analysis shows that "the foundation of Government is faith, not reason." Now, if this be true of the European States, it can be predicated with even greater certainty of Asiatic countries and their Governments. I have tried to show above that dyarchy is not based on valid reason or warranted by the experience of any nation. And as for being able to command in its favour the faith of the people, it is unfortunately the case that in the opinion of all those who have been

working the system, dyarchy has completely forfeited it. This is absolutely clear to me—apart from my personal knowledge—from a perusal of the joint note written by His Excellency's Hon'ble Ministers, as also that by the Hon'ble President of the Legislative Council. There could not be three men of more moderate views in this province than His Excellency's Hon'ble Ministers and the Hon'ble Khwaja Muhammad Nur, the President, and yet what is it that they suggest, in substance, in their carefully-worded notes ? Practically nothing more or less than the scrapping of the Act of 1919, or at any rate its scheme of dual control being whittled down to an absolute minimum. They would leave the bare skeleton or the semblance of dyarchy with but one Member of the Executive Council in charge of a few departments, but they would let all the others be administered by the Ministers. I think, they could scarcely have asked for less, if, as I believe, they hold the same view of the inherent defects of the system of dyarchy itself, as I have expressed above. But it is not only they who press this demand. I find from a perusal of the opinions submitted that one of the Secretaries on the Transferred side (Mr. Collins)—as noted by the Chief Secretary—" would transfer all subjects, except, Political and Appointments, if it is necessary to keep some Reserved subjects under the Act ; otherwise he would transfer them all." Mr. Heycock, the Commissioner of the Bhagalpur Division—as noted by the Chief Secretary—" considers that it is not the working of the Act that is at fault, and only a radical modification of that Act will satisfy its opponents ". These two official opinions expressed by those who, as members of the Legislative Council, have watched the working of dyarchy, go a long way in supporting the non-official views expressed by the Hon'ble Ministers and the President. Taken together they make out a strong case for, at any rate, the practical scrapping of dyarchy. For my part, I am satisfied in spite of my having given my most earnest and careful consideration to the observations of my hon'ble colleagues, to which I shall refer later—that now that for better or for worse (I can only hope for better and not for worse), India has started on the road to responsible Government, there is no half-way

house in the Provincial Governments, between the old system now superseded and full provincial autonomy, *i.e.*, a constitutional Governor and a responsible Ministry. It may be that this full political paraphernalia may await the next revision of the constitution in 1929, and it may not be considered expedient to establish itall at once in 1924 or 1925, but there can be no doubt that it is bound to come in the near future--perhaps sooner than 1929—as much as the result of serious administrative defects inherent in dyarchy, as of the pressure of public opinion and popular sentiment. In the light of these considerations I do not see my way to differ from the views propounded by the Hon'ble Ministers in regard to the transfer to the Ministry of all departments of the Provincial Governments other than those administered in the Political and the Judicial, namely, the control of the police and the jails, and of the administration of justice (both civil and criminal) or rather of the magistracy and the judiciary, apart from their judicial work.

Will Palliatives Do ?

Adverting to this aspect of the question I find an objection formulated in the concluding paragraph of the despatch in the following terms:—"Assuming that a further step in advance is contemplated, on what grounds is this step going to be taken? In order to make dyarchy more workable? It is workable now, though creakily. The minor remedies suggested above may cure a creak or two, but they will affect the larger questions in no degree whatsoever. The real question is, are we going to pacify at all cost our clamant critics? They will be satisfied with nothing but the disappearance of dyarchy and in its place the substitution of what is popularly known as provincial autonomy. That appears to be the issue which the Government of India has to face." That is, no doubt, so. But even assuming, though not admitting, that the scrapping of the Act of 1919 is outside the scope of the reference made to us, it cannot be urged that the proposal of the Hon'ble Ministers in regard to the transfer to the Ministry of the reserved departments other than the Political and the Judicial is beyond the scope of the enquiry, since the necessary changes can be brought

about by amending the Statutory Rules in force. If we once start, however, on the basis of the fact that (even apart from political considerations) dyarchy as a system has such inherent administrative defects in it that they cannot be removed by means of mere palliatives, then the logical conclusion we are driven to, is its abolition as early as possible, and till then minimising, so far as may be, the effects of its admitted imperfections by transferring to the Ministers as many departments as can be done by means of rules under the Act—while maintaining that dual control which is of the essence of the system.

Moderate Opinion.

In emphasising this aspect of the question I am not so much concerned with the attitude of the Non-Co-operators or No-Changers, or even of the Swarajists or obstructionists, as with that section of the community which is neither the one nor the other. There are yet, I believe in all the provinces, but particularly in Bihar, large, stable elements in the population, in all classes and sections of the Indian community, who are still sincerely loyal to the British connection, who are not oblivious of the good that has resulted from it in the past, and who have not yet lost complete faith in the even more beneficent results likely to ensue thereform, to the great advantage of both Great Britain and India. Claiming to be in intimate touch with these large, important and influential sections throughout Bihar, I can unhesitatingly declare that there is even in the ranks of these classes a deep dissatisfaction with the system of dyarchy and a complete distrust of any advantage likely to accrue from it, and they are never tired of telling me so whenever and wherever they meet me.

The Reforms a Failure.

The fact of the matter is that, judged either from the administrative or the political standpoint, the Reforms—the most notable feature of which is the introduction of dyarchy in the provinces—as emphasised by the Hon'ble President of the Legislative Council, have caused profound distrust and far from allaying discontent have aggravated the feelings of acerbity "because"—as he puts it—" they were much below the

expectation" and therefore failed " to capture the imagination of the people". Take again the opinion of Sir Ali Imâm. I reproduce below an extract from the "Times" (London) summarising Sir Ali's speech at a recent meeting held in London :—"The Reforms really gave very little power to Indians. It was shadow without substance. Indians could, of course, hold Ministerial rank but they could be overruled by the Governors. It was India's wish to remain within the Empire but unless something be done very soon, it would be too late. As Ireland had gained her freedom, so would India". Now Sir Ali Imam has never been within a hundred miles of even the old Congress, to say *nothing of the new. He* is by no means a clamant critic or a political agitator. And yet he is reported to have indulged in the *strong* language I have quoted. It would thus be seen that it is not only those who may rightly be dubbed as extremists or obstructionists, but that even the vast bulk of the Moderate, co-operating and loyal sections of the people are thoroughly dissatisfied with the working of the reformed Provincial Governments. It is not, therefore, to pacify or placate the avowed opponents of the present system, but the Moderates and loyal supporters of the administration that I desire that this momentous question may be settled on lines which will remove from the public mind the serious discontent at present prevalent throughout the country. For, when all is said and done, the fact remains that in spite of their talking big and loud the avowed opponents of the Government, at any rate, in this province, are a mere handful, compared with the "sturdy loyal people" who, though not vociferous, still constitute the vast bulk of the body politic and exert a wholesome and healthy influence on public affairs and supply the resources which keep the Government so smoothly going, on the whole. To attempt to satisfy their legitimate aspirations and to make them more attached to the British connection by removing their sense of distrust and dissatisfaction should be regarded as an act of statesmanship and not as yielding to the clamour of political agitators, and a sign of weakness, for as the late Lord Minto declared, (speaking as Viceroy) " only those are really strong who are not afraid of being called weak, when the situation and occasion demand it."

Face Facts.

We have to face the admitted fact that dyarchy has failed to evoke that "faith" which (on the authority of Professor Lowell) is "the foundation of Government" even in Western countries—let alone the question of its being able to capture the imagination of the politically-minded Indians. The only question of practical importance before us, therefore, is not to diagnose the origin and causes of the present political discontent, but whether we are to stay where we are until 1929, or to attempt to make such further advance as may be open to us to do as a result of the enquiry now undertaken. To answer this question we must take into account the many political, economic, educational and social forces that are operating in our midst, from day to day, and bringing such pressure to bear upon the Government as they are bound to do on all civilised administrations. These coming upon the heels of those other and mightier force which have followed in the wake of the ideals generated by the great war, have made it impossible for us to stay where we are. Individuals and nations alike are more or less subject to the play of forces beyond their control. Perhaps, but for the happening of the world-wide war in 1914, the British Government might have waited very much longer without making any such declaration as was done by Mr. Montagu in August 1917. This is the settled conviction of the vast bulk of educated Indians and has also been expressed by many Europeans and others. Similarly, but for the troubles consequent upon—what may be called—the enforced enactment of the Rowlatt Acts, early in 1919, and the very unfortunate and tragic incidents in the Punjab a little later, the Reform Act passed in that year might have fairly satisfied the political aspirations of the educated Indians, till the promised first Parliamentary revision in 1929. But in the face of the stern realities, these are now but idle speculations, and it seems to me to be too late to think of these might-have-beens in considering the problem. I have to differ from my hon'ble colleagues in the view expressed by them about the Moderate section of the public men. They say:—"Moderate politicians have felt compelled to join in the demand for an advance,

hoping perhaps that Government will make even a small step forward, something that will help them to meet the reproaches of the extremist school." That there may be some people even in this Province who may come under this category, I shall be the last person to deny or dispute—for, I have learnt by experience the unwisdom of generalising about matters Indian—but speaking for the vast bulk of the Moderate people, as I know them, I think, I am right in what I have stated at some length above that even they are completely dissatisfied with dyarchy and distrust its results in our administration. There could not be a more convincing proof of it than the extract quoted above from the speech of Sir Ali Imam.

No Intermediate Course.

Coming now to the answer which my hon'ble colleagues are prepared to give to the demand for further advance as the result of the present enquiry, namely, that there is no substantial advance to be made in the only direction in which the Rules under the Act might be considered to have left an open door, they concede that Forest might be transferred to the Ministers (as is already the case in Bombay and Burma) and so perhaps the Irrigation Branch of the Public Works Department. But I agree that the transfer to the Ministers of these two departments only would "conciliate nobody and would almost pass unnoticed or at least unacknowledged." The net result is that my hon'ble colleagues fail to find some intermediate course between the preservation of the "status quo" and the advent of the Statutory Commission. My hon'ble colleagues' arguments seem to me to amount to this: Forest and Irrigation cannot be transferred at present to Ministers because they are intimately connected with the land revenue administration system on the Reserved side; nor can finance, so long as the other departments administered at present on the Reserved side continue to remain under the Governor-in-Council. In other words, the working of all the departments on the Reserved side is so interdependent that no transfer of any one of them to the Ministers is possible, in my hon'ble colleagues' opinion, piece-meal. But this is precisely the line of

argument which was adopted by the opponents of the Montagu-Chelmsford Reforms. They contended that you cannot split up vertically a Government' which, to be efficient and effective, must work as an indivisible whole and that the transfer to the control of Ministers of any one department would lead to the weakness, if not the disintegration of the Provincial Governments. In this Province the Government of Sir Edward Gait put forth before the Functions Committee of 1918 a most strenuous opposition to the transfer of higher Education to the Ministry. But that Committee accepted the popular view and directed the transfer, in spite of the attitude of the then local Government. Now the Education Department has been for more than three years controlled by an hon'ble Minister and judging from the fact that his services have received appreciation at the hands of the King-Emperor, I think, I am justified in concluding that his administration of the Education Department has been a success, in spite of all apprehensions at the time when the proposal was under consideration. But to get back to the main issue, it seems to me that the argument of interdependence of the various departments of the Government on the Reserved side and the consequent impossibility of any further transfer to the Ministry (if accepted) would justify the immediate transfer to the Ministers of all the Reserved departments. For, what is the contention for the abolition of dyarchy? Is it not that the executive authority in the body politic is a unified political entity which cannot be split up vertically, all its departments and activities being interdependent, so that you cannot divide it under two or more sets of executive—each responsible to a different master—and yet expect them to work, in spite of their lateral character, effectively and run the machine smoothly? But, howsoever, indefensible from the constitutional standpoint, this very system is at work in our midst, and those, therefore, who seek its abolition naturally contend that it is anamolous and illogical and should be done away with, or at any rate, have its defects and imperfections appreciably minimised by vesting the control of all the departments—except the Political and the Judicial—in the Ministry acting under a constitutional Governor. There seems to me to be much force in this contention,

and it is in this view of the matter that I have supported the proposal of the Hon'ble Ministers, for the transfer to the Ministry of all the departments on the Reserved side, except the Political and the Judicial, for, in this case the evils inherent in dyarchy would be to a large extent minimised—scotched, if not killed.

Transfer of Departments.

In the light of my own three years' personal experience of the departments with which I am connected, I can say, with confidence, that the transfer of the Irrigation Department to the Ministers will be a great improvement from the administrative point of view as it will bring the working of the entire Public Works Department under one control. As regards the transfer of the land revenue administration to the Ministers, I naturally express my opinion with great diffidence, in view of the strong opposition on the part of my hon'ble colleagues to this proposal. But it seems to me that their apprehensions are unjustifiable when I find that the administration of the Excise Department, which yields in this Province ever so much more than the land revenue, and is in the present temper of the people a thankless task, has been placed under the control of the Ministers.

The Finance Department.

In regard to the Finance Department my hon'ble colleagues are aware that even in this Province (where Ministers have publicly declared in the Legislative Council that they have received from the Finance Department all that they wanted for carrying out their schemes), the public have remained highly dissatisfied with the present arrangement under which a Member of the Executive Council alone can be in charge of the Finance Department, and I find that the Hon'ble Ministers themselves have pressed this point in their note as follows:—" The impotence of the Ministers have been much more aggravated by placing them completely under the control of the Finance Department, as appears from Rule 37 of the Devolution Rules. For instance, the Finance Department in dealing with a plan of building advises the knocking down of a portion

of the building, which may be absolutely necessary. It also similarly advises appointment of Sub-Assistant Surgeons where the services of Assistant Surgeons are needed. We would not dispute the right to offer reasonable advice on the part of the Finance Department in regard to schemes to new expenditure, but the Finance Department should not have such wide powers as it has at present." Speaking from my experience of the Finance Department, I do not think that its working in its relation to the Ministers' proposals or, for the matter of that with those of any other member of the Government in charge of a spending department —goes beyond that of the Treasury in Great Britain in the matter of examining proposals administratively sanctioned by any member of the Government. But what in Great Britain is not usually resented on account of the long constitutional traditions of public life and the ripe political experience of public men, has led in our Provincial Governments to perpetual bickering and friction between the Ministers and the Finance Department. It is urged that the Provincial Finance Member practically nullifies by his refusal the Ministers' administrative sanction for their projects and that he thus virtually exercises a power of veto over the Ministers' proposals and policy, while technically acting quite correctly, as only a Finance Member can exercise legitimate treasury control. It is also urged that the Ministers' appeals to the Governor are ineffective against the Finance Department. This question has been strongly agitated of late by various ex-Ministers and notably by Mr. C. Y. Chintamani. Since His Excellency the Governor was pleased to place me in charge of the financial portfolio, my connection with the Department has been the subject of many comments in the press of the country and a point has been made that I am in charge of a department, the portfolio of which I would have been disqualified to hold had I been a Minister. I quote below a short paragraph from a recent editorial in "The Leader" bearing upon this subject:—"The rule that finance must always be in charge of a member of the Executive Council and never of a Minister, is equally absurd and unjustified and it is not sanctioned by any provision of the Government of India Act. In Bihar the Finance Member of the

Executive Council is the Hon'ble Mr. S. Sinha—the only Indian Member of the Executive Council anywhere in India who holds the privileged position. If Mr. Sinha had been a Minister he would not have been eligible for the position. What an incongruity ! Nor, so far as fitness goes, is Mr. Sinha the one swallow that does not make a summer. There are in all the provinces other like him, as Mr. Sinha will be the first man to admit. And is the financial administration of Bihar less efficient than, for example, of the United Provinces? Prejudice is the only explanation of the present rule." There seems to me to be, on the face of it, some force in the objections urged against the present system which (under the rules made under the Act) makes it obligatory that the Member of the Government in charge of the financial portfolio shall be necessarily an Executive Councillor and not a Minister. I am not satisfied that there is any special advantage in retaining this rule. I have no apprehension that a Minister, if in charge of the Finance Department, would be unwilling to spend the requisite amount for the maintenance of law and order or the administration of justice. I, therefore, see no insuperable objection to the transfer of the Finance Department to the Ministry, or, at any rate, so amending the rule that it may be possible for a Minister also to hold the portfolio of finance.

Question of Security.

It is often said against the demand for further enlargement of the Ministerial responsibilities that the transfer of any more Reserved departments to the Ministers would clash with that criterion of security which is fundamental for India's progress. Now, it would be idle to deny that the Government already established in the provinces or that which is likely to come into existence in the near future, not later certainly than 1926, may not be as strong and as efficient as was the pre-Reform British Government in this country. But my view is quite clear on the point that it having been rightly or wrongly declared by the King in Parliament and embodied in the preamble to the Government of India Act, 1919, that the form of Provincial Governments is to be ultimately a constitutional Governor and a responsible Ministry, it is

idle now to contend against the widening of the powers of the Ministers, on the ground of any prospective apprehension on comparative insecurity. In a matter like this one can but hope for the best and pray that our Ministers may be strong enough to maintain law and order. It is to avoid any too rapid changes and to avert the chances of any prospective insecurity, that I have come to the conclusion that the Political and the Judicial Departments should continue to be in charge of the Service Member of the Executive Council (till the next Parliamentary Revision), the rest of the departments under Reserved control at present, being transferred to the Ministers from now, so as to give them wider scope for administrative experience and qualify them to undertake full Ministerial responsibilities for all the departments in due course.

Provincial Autonomy.

I find, however, in the despatch very serious objections urged by my hon'ble colleagues against this proposal. It is declared in paragraph 25 that to any such halfway house the Governor-in-Council is unhesitatingly opposed, briefly for two reasons. These are stated to be that " it is not a workable administrative proposition; secondly, it will absolutely fail to achieve it (the object in view)." It is, further, stated in paragraph 29 that " in the opinion of the Governor-in-Council the proposition has only to be stated with its inevitable implications to demonstrate its administrative futility. It cannot last a year in practical working." The same paragraph ends as follows :—" If dyarchy is to persist at all the limits of permissible division were practically reached at the outset." Taking these passages together, I gather, that in the opinion of my hon'ble colleagues there is no " via media " between retaining dyarchy as it subsists at present and its supersession by complete provincial autonomy. That I am not wrong in my view is borne out by paragraph 28 of the despatch in which it is stated that " the true issue lies between the concession or refusal of the changes which the term Provincial Autonomy connotes". For my part, I was under the impression that (as laid down in the preamble to the Government of India Act, 1919) Responsible Govern-

ment was to be worked up to, both in the Provincial and in the Central Governments, by means of successive stages and it was in this view of the matter that I have developed and elaborated my arguments at some length above, by suggesting that the next step between the subsisting arrangement in the provinces and complete provincial autonomy should be the transfer to the Ministers of all the departments now being admiinstered on the Reserved side, with the exception of those known in Secretariat parlance as Judicial and Political. And I must state that it never occurred to me that "the limits of permissible division were practically reached" when the Act came into force in 1919. Now that may or may not be so technically. But in view of the opinion expressed by my hon'ble colleagues that any further transfer of departments, administered on the Reserved side, to the control of the Ministers will be found so unworkable as to produce a deadlock in the whole machinery of the Government in a year's time, the question as to whether any such transfer is admissible or permissible becomes but an academic one. Assuming, however, the correctness of the view propounded in the despatch that it would be inexpedient and unwise to transfer any more departments to the Ministers, the conclusion we are then naturally driven to, is that there should be a supersession of the present system in the provinces by complete provincial autonomy. My hon'ble colleagues though accepting it as the inevitable logical conclusion of their own arguments, decline to discuss this question on the ground that "it falls outside the terms of the present reference" and as such "the Governor-in-Council expresses no opinion" on it. In my opinion, however, for reasons I have given above, this aspect of the question is not excluded from the reference made to us, and is within the purview of the scope and the object of the enquiry. I find it stated in paragraph 24, that in the opinion of my hon'ble colleagues themselves it is the demand for complete provincial autonomy "which is, in fact, the origin of the enquiry now in process." That being so, I think I am fully within my rights in expressing my opinion on this aspect of the question. For my part, as stated above, I am in favour of the extension of the powers of the Ministers on the lines mentioned in this

note, leaving it to the working of time to bring about provincial autonomy in due course. But I am not prepared to dissent from the opinion of my hon'ble colleagues (who as veteran administrators are in a better position than myself to judge of administrative possibilities and difficulties) that my proposal, if carried out, would bring about a deadlock in a year's time. In the circumstances, I have no alternative but to suggest that the present system in the provinces be superseded by the establishment of complete provincial autonomy which alone seems to be the true solution of the difficulty.

I am sorry that this note has become rather long. My desire to place before the Government of India, as well as I can, the various aspects of this important question from the Indian standpoint, is the sole justification for the length of this note.

II

DYARCHY IN INDIAN PROVINCES IN THEORY AND PRACTICE*

Introductory.

I am grateful to the authorities of the East India Association for permitting me to bring up for discussion to-day the subject of "Dyarchy" in theory and practice in the nine major provincial Governments in the Indian Empire. The expression of my sense of gratefulness is by no means conventional, as it is well known that this old-established Association of Indians and Anglo-Indians—using the latter term in its classical sense—tries to do good to India in various ways, one amongst which is avoiding, so far as possible, subjects which are of too contentious a character, and the discussion of which is likely to evoke acute differences and lead to acerbity of feeling. Now, it must be frankly admitted that, in the nature of things, intimately connected as it is with the question of constitutional reforms in India, a survey of Dyarchy in theory and practice—even from the purely administrative standpoint, such as I propose making—is bound to be more or less controversial. But in my humble opinion even contentious Indian questions may be discussed with advantage, provided the discussion is carried on in temperate language and free from the taint of partisanship, and if only those who may take part in it will constantly keep in view the main object of this Association, which is that of bettering the condition of India by affording a common platform for the exchange of views, freely and frankly, to persons interested in the welfare of that great country. It is actuated by this ideal that I shall attempt to discuss the problem of Dyarchy, not from the political but the administrative standpoint. If I

**A paper read before the East India Association, London, on 3rd October 1927, and debated upon on that date and also on the 17th October, to which further debate was adjourned.*

may be permitted a personal reference, it is to say that I may claim to have seen the working of Dyarchy in a major province not only from without, but also from within, for a longer period than any other Indian non-official, since it fell to my lot to have watched it, both as President of the Legislative Council in Bihar and Orissa, and also as Finance Member of the Government of that province, for more than five years, that, too, during the tenure of office of four Governors—two permanent and two officiating. But I am aware that the subject is a large one, and its adequate treatment would require time and space which we have not at our disposal. I shall, therefore, try to make this survey suggestive rather than exhaustive.

The "Statutory Commission."

The Government of India Act, 1915—as amended by subsequent Acts, notably the Reform Act of 1919—is divided into twelve parts, of which only one (Part VI-A) consists of but one section (84A). But this part of only one section is perhaps the most important from the point of view of those interested in the development on sound lines of the Indian constitution. I make, therefore, no apology for quoting the almost entire text of this section, as I have found that its terms are not unoften forgotten by many of those who discuss the question of Indian reforms. It runs as follows: "At the expiration of ten years after the passing of the Government of India Act, 1919, the Secretary of State, with the concurrence of both Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a Commission for the purpose of . . . inquiring into the working of the system of government, the growth of education, and the development of representative institutions in British India, and matters connected therewith, and the Commission shall report as to whether, and to what extent, it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislature is or is not desirable. The Commission shall also inquire into and report on any other matter

affecting British India and the provinces which may be referred to the Commission by His Majesty."

The terms of the section quoted above make abundantly clear the importance of the Statutory Commission, in view of the nature of the work which will have to be done by that body. It may be said, in brief, that the future political destiny of India will probably depend on the result of the Commission's investigations and recommendations, as embodied in their Report. As the personnel of the Commission has not yet been announced, it may be permissible to express the hope that, when appointed, it will be found to have been so constituted as will command the confidence of all the classes in India whose interests or aspirations are likely to be affected by its deliberations.* It is also in the hope that my statement and the discussion on it may, to some extent, enable the Commission, whenever appointed, to appreciate the inherent difficulties of the present situation in India, as the result of the many serious administrative defects brought to light in the practice, during the last seven years, of the system of Dyarchy in the Governments of the major Indian Provinces, that I have ventured to take up the time o East India Association.

The "Old System."

As administrative problems and political developments cannot be dealt with as if they were inscribed on *tabula rasa*, it seems to me necessary to advert, howsoever briefly, to the system of government which obtained in British India before the Reforms were introduced at the beginning of 1921. I am not going to present an historical sketch of the origin and the growth of the administrative and political system which had come to exist in British India, culminating in the constitutional changes associated with the names o Lord Morley and Lord Minto. My object is to indicate— on authorities which cannot be assailed on the ground of any anti-government feeling—the defects which were found in the British Indian administration as it then existed—defects not only from the point of view of the

**This expectation was by no means realized.*

thinking and politically-minded classes in India, but also from that of those (whether British or Indian) who would favour a liberal and progressive constitution for that country, in the interest of the British Commonwealth as a whole. To begin with the authoritative declaration made with the imprimatur of the Secretary of State for India, we find the following statement in the Material and Moral Progress Report of India for 1924-25, presented to Parliament and issued as a Blue-book in 1926:—

"Unlike other countries in which the permanent officials are controlled by Ministers, the administrators of India not merely execute a policy, they also initiate it. For many decades the Indian Civil Service was not only an administration, but it was also a government."

I may next invite attention, as bearing on the same subject, to the statement of an ex-Prime Minister of Great Britain—the Right Hon'ble Ramsay Macdonald. After studying the British Indian system in the course of several visits to India—during one of which (1913-14) he traversed the whole country as a Member of the Royal Commission on the Public Services—this is how Mr. Macdonald described the system of government in British India in his book called "The Government of India," which was issued in 1915:

"The Indian Civil Service is more than a collection of individuals. It is a bureaucracy with a corporate life, a machine, a freemasonry. It moulds the raw recruit into its own image. It has to work as a whole. Many officers become wheels in a mechanism working by rule and regulation, (and) the machine reduces its parts to mechanisms. (Thus) the machine of Government has become a thing apart, and by separating itself from the organic life of India, it has over-emphasized the fact that India is ruled by foreigners. . . . Secretariats become all-powerful; not a sparrow falls but is recorded, reported, and re-recorded, docketed, initialled and minuted; not a suggestion emanates from below but is regarded with suspicion or hostility as something of a foreign origin: not a thing is done without involving the whole machine in the doing of it. Then,

it is the Government on one side and the people on the other. Such is both the mechanism and psychology of the Service, and the one cannot be separated from the other. All this is unhealthy, is bad government, cannot last."

I shall quote one more passage—taken from the editorial columns of a well-known Anglo-Indian daily, issued from Allahabad—the *Pioneer*. This is how this journal (which is generally and perhaps not unjustly regarded as the spokeman, in the press of India, of the official hierarchy) sketched the British Indian administrative system as it obtained on the eve of the introduction of the Montagu Chelmsford Reforms in 1921. Said the *Pioneer*: "The most perfect system of administration which the world has ever seen has come to be regarded by many—and an increasing number—as a topheavy bureaucratic hierarchy, Byzantine in method if not in spirit, detached from practical conditions, mechanical and doctrinaire." No wonder, if after this, an enthusias for Indian Reform like the late Mr. Montagu characterized, in the course of a speech delivered in 1917 in the House of Commons, the system of government that then obtained in British India as "wooden and antediluvian."

I have no desire to multiply such extracts, for those already brought together from authoritative and unimpeachable sources clearly establish a consensus of weighty opinion as to the nature of the administrative system that obtained in British India till 1920. It was run—and run very efficiently—by the Indian Civil Service, from their own point of view as to what was good for India, but it was clearly one in which even the educated, thinking, and politically-minded classes had no lot or part. The latter could perhaps partially influence the administration, but could not either control or direct the policy of the Government. I myself was for more than one term an elected member of the old Imperial Legislative Council, in which the elected element was overborne by the nominees of the Governor-General, and in which, therefore, howsoever much reason and argument might be—according to us—on our side, the strength of voting was always against us. Even if we had possessed much greater influence, it would not have been a sound system, since it is a well-

known political maxim that influence is not government. The Morley-Minto scheme thus did not afford a sound basis for the steady development of the Indian constitution towards the establishment of responsible government.

Some Results of the "Old System."

The results to the credit or the discredit of the "old system" are to be found stated in a large number of books; in fact, the literature on the subject is overwhelmingly voluminous. Eminent Anglo-Indian officials like Sir John Strachey and Sir George Chesney set forth their conclusions, from the official standpoint, in works which are justly regarded as classical; while the non-official standpoint has also found adequate expression in the works of a number of British and Indian publicists of whom Messrs. Digby, Naoroji, and Dutt are well known. My object is not to rake up to-day this age-old controversy, as it will serve no useful purpose, the old system having been modified for better or worse. The truth very probably in this matter—as in many others—is to be found somewhere between the two opposed sets of opinions. No sensible Indian can justly withhold his appreciation of the great work done by the British services in India in evolving a stable system of administration in that country (out of the disruption which prevailed therein in the eighteenth and the earlier part of the nineteenth centuries), in establishing law and order on a footing which may compare favourably with the conditions in many Western countries, in introducing means of communication like railways, telegraphs, and those other paraphernalia of modern civilization which we naturally associate with an efficient and advanced system of administration. All this may and must be freely and frankly conceded. But when we come to consider in these days the results achieved by any Government, we cannot confine our attention merely to the blessings of peace and order or the benefits brought in their train by courts or communications. We have naturally to look to other things as well for forming a just estimate, and these are the economic condition of the people, their resources, their fighting strength against famines and the ravages

caused by epidemics, as also their position in the sphere of education, the educational facilities open to them, and, above all, the share they enjoy in moulding and directing the policy of their Government. It is the universal opinion of educated Indians that highly efficient as the British Government in India has been as an administrative machinery, it has not been sufficiently responsive in these higher spheres of activities, which are of even more vital interest to the well-being of the people than the mere maintenance of law and order or the administration of justice by courts manned by competent officers. No living Indian is more distinguished than the Rt. Hon'ble Lord Sinha alike for his keen perception of and deep insight into the realities of Indian life, as also for his appreciation of the benefits conferred by British rule on India. Yet this is what he is reported to have stated to a representative of the *Manchester Guardian* only last July: "Great progress has been made in many directions. But—for there is a but—there is so much leeway still to be made up. I am speaking for my own province of Bengal. The poverty there is appalling, and the health of the people is so bad that disease, ignorance, and poverty. would seem to be the lot to which we are born. . . To a large extent it may be the people's own fault. . . . I recognize that progress must be gradual and slow having regard to our limitations, but I cannot help thinking at the same time that hitherto the Government has been content to keep law and order, and there has not been strenuous endeavour to better the lot of the people that I feel there would have been if the people had been your own. . . . The fact remains that material progress has been very slow. It does not seem to me—speaking again for Bengal—that the people are in any way better off to day than they were, say, thirty, or even fifty years ago." What Lord Sinha has said of Bengal is, in the opinion of educated Indians, generally applicable to the condition of the other provinces as well. Now, if this view of the material progress of India under British rule be accepted as fairly correct, it is easy to understand the anxiety of British statesmen to so modify the old system as to make it more mindful of the pressing needs and requirements of the people,

and more responsive to their material welfare and moral progress. Hence—I take it—the memorable declaration by the then Secretary of State (the late Rt. Hon'ble E. S. Montagu) in August 1917, as representing the view of the Coalition Government (or, in other words, of all the great political parties in the United Kingdom) which is now, in more carefully worded language, embodied in the Preamble to the Government of India Amendment Act of 1919, and to which I shall have to refer hereafter.

The "New System."

The new system introduced to set right the inherent defects of the old was primarily by application to the major provincial administrations in the Indian Empire (numbering nine) of the principle known by the word "Dyarchy." Under it the provincial administration is divided into two halves—called the reserved and the transferred—the former being administered by the "Governor-in-Council" and the latter by the "Governor-in-Ministry." As, except to those who may be familiar with the present-day administrative conditions in India, these two expressions and what they stand for are likely to be vague, I may explain this system in a few words. The reserved half of the Provincial Government is administered by the Governor and his Executive Council, the members of which, like the Governor himself, are appointed by His Majesty the King-Emperor, and who, as such, are naturally responsible to the King in Parliament. The transferred half, on the other hand, is administered by the Governor working with his Ministry, the members of which are chosen by himself from amongst the elected members of the Provincial Legislature, and who are, as such, in theory responsible to that body. The reserved half, generally speaking, are in charge of law and order—namely, the recruitment and control of the executive and the judicial services, as also of the police, the administration of justice, land revenue, irrigation, and some other departments, particularly that of the whole financial system. The transferred half, broadly put, administer what are called the "nation-building departments"—agriculture, education, local self-government, industries

and the excise department, besides some others not so important. Except for three years in Bengal and the Central Provinces (due to their Legislatures having refused to vote the Ministers' salaries) this system has now been in operation in nine of the major provinces of the Indian Empire since January 1921. Its merits and demerits, as disclosed during the last seven years are, in the main, the subject of my address.

I may premise by saying that public opinion, not only Indian but British as well, seems to be almost unanimous that Dyarchy has few merits, if any, but that its demerits are unfortunately so great as to render it not only unworkable but practically useless as a means of qualifying Indians to fit them "for the gradual development of self-governing institutions with a view to the progressive realization of responsible government in British India as an integral part of the Empire," which was the *raison d'etre* of the Reform Act of 1919, as expressly declared in the words I have just quoted from its Preamble. I shall quote in support of this view the opinions expressed—no, not by the poor Ministers themselves, who may be charged with a hankering after greater powers—but by eminent British statesmen and Anglo-Indian administrators, as also leading British and Indian non-officials, whose credit cannot justly be impeached on the score of being influenced by any anti-Government feeling. I shall quote a few authorities only.

Some Opinions on "Dyarchy."

Speaking in the House of Lords, this is how the present Secretary of State for India, the Rt. Hon'ble the Earl of Birkenhead, is reported to have expressed himself on the subject under consideration :

"I myself was always very distrustful of the dyarchical principle. It seems to me to savour of a kind of pedantic and hide-bound constitution, to which Anglo-Saxon communities have not generally responded, and which in my anticipation was unlikely to make a successful appeal to a community (the Indian) whose political ideals were so largely derived from Anglo-Saxon models."

Dealing with the same subject in an earlier debate in the House of Lords, the late Lord Curzon—who was not unjustly regarded as a great authority on the official view of matters Indian—delivered himself in the following terms:

"I abominate the system of Dyarchy, but when the Committee of your Lordship's House decided to recommend it, because they said they could not find another alternative, I bowed my head and acquiesced."

Lord Ronaldshay—who, as Governor of Bengal, had great opportunities for watching the working of the system in that province—has recorded his view of Dyarchy as follows:

"It (Dyarchy) was certainly a novel type of Camarilla, a sort of political Siamese twins with the Governor as the umbilical link holding them together. Like the two-headed eagle of Byzantium, it looked East and West—the Ministry to the Indian Legislature, the Executive Council to Westminster and Whitehall." It is a "complicated constitutional machine, admittedly a makeshift of a purely transitional character," and "the dyarchic Government thus resembled the famous founder of Janiculum, so conveniently dowered with two faces, the better to look forward while maintaining an eye upon what lay behind."

Only the other day (September 16, 1927), in the course of an article contributed by him to a London evening paper, Sir Reginald Craddock referred to what he calls "the strange expedient of Dyarchy" as a "hybrid system," which "cannot continue," as "no country or province can be successfully governed by two independent Cabinets." That is exactly the Indian view.

In 1925 the Government of India published the opinions they had obtained from the various Provincial Governments on the working of Dyarchy. These were sought for the benefit of the members of the Muddiman Reforms Enquiry Committee, which had been appointed to investigate the working of the new system. The two most notable opinions in the Report were those expressed by His Excellency Sir William Marris—the Governor of Agra and Oudh—and Sir Henry Wheeler, ex-Governor

of Bihar and Orissa. Sir William Marris—who, as the Reforms Secretary, had much to do with Dyarchy—recorded his view of it as follows :

"Dyarchy is obviously a cumbrous, complex, confused system, having no logical basis, rooted in compromise, and defensible only as a transitional expedient. The difficulties and defects inherent in the scheme are quite incurable by mere alterations of the Act or the Rules. There is no half-way house between the present and a new constitution. . . . Concessions which fall short of complete provincial autonomy will . . . secure neither stability nor contentment."

Sir Henry Wheeler's view of Dyarchy—which was concurred in by Sir Hugh McPherson, the then Civilian Executive Councillor—was recorded in the following terms :

"There is very little that can be done to smooth the working of Dyarchy or to eliminate the different administrative imperfections. Whatever defects exist are inherent in the system itself. . . It is workable now, though creakily. The few minor remedies may cure a creak or two, but they will affect the large questions in no degree whatever."

These official testimonies from some of the leading British statesmen and eminent Anglo-Indian administrators speak for themselves, and I have no desire to mar their effect by making any comments. But I think I may usefully supplement them by quoting two non-official opinions—one from a British and the other from an Indian source. Mr. E. Villiers (who twice represented the Presidency and Burdwan European constituency in the Bengal Legislative Council) issued last year a statement as to why he would not offer himself for re-election. In this occur the following passages which bear upon the point under discussion :

"I hold them (the Reforms) to be wrong in practice, since, if we are going to carry out the policy of teaching India how to rule herself with the maximum of efficiency and at the minimum of cost, if we are to teach her a sense of 'political responsibility,' we are going the

wrong way to do it. Instead of teaching her responsibility we are teaching her irresponsibility. Until the Reforms are recast, until they are applied solely to the provinces as separate states, until such subjects as are 'transferred' (no matter how small or how unimportant these may be) are transferred lock, stock, and barrel, uninterfered with by Governor and uninfluenced by the Government votes in the Councils, until all this is done (even given that the principle of democracy is right for India) I see no hope for the success of the Reforms. In these circumstances, then, feeling as I do strongly on the question, I do not think that I can any longer serve your interests or the interests of the Province to advantage."

Last, but not least, I shall quote the view of an eminent Indian, Sir Ali Imam, who justly enjoys a reputation for moderation and political sanity, which we naturally associate with one who as an ex-Law Member of the Governor-General's Executive Council and as an ex-High Court Judge, has held the highest offices under the Crown, both on the executive and the judicial sides. In the course of a speech delivered in this country in 1924, this is what Sir Ali Imam is reported to have said :

"The transferred departments are in the hands of Ministers who are supposed to be responsible to the House. But while all the appearance of democracy is there, it is a shell without the kernel. The Minister has to run his departments, but he must have a permanent Secretary over whom he has no control. If the Minister wants anything to be done, the Secretary can go beyond him to the Governor, and the latter can overrule the Minister. The result is that although the Minister is said to be responsible to the House, he has to carry out the orders of the Governor. The danger lies in this that a form has been given to the constitution but without the substance."

That is putting in the mildest terms what is felt to be true by every thinking Indian. There seems to be thus a consensus of weighty opinion on the inherent defects of Dyarchy as a principle of administration.

Dyarchy in Principle.

I shall give later some details of the system in practice (as opposed to the theory on which it is based), but before doing so, I may briefly advert to the theory itself. Now, the principle or theory underlying Dyarchy seems to be the assumption that it is practicable to divide a Government vertically and to place the administration of each such divided part or group of parts under more than one executive unit, each responsible to a different sovereign power—as in the present instance the Governor-in-Council to the King in Parliament for the reserved half and the Governor-in-Ministry to the Provincial Legislature for the transferred half. But I venture to say that such an assumption is not at all warranted either by history or the political experience of any of the peoples or nations amongst whom popular or responsible government has ever obtained. On the contrary, all knowledge and experience point conclusively to the fact that a Government worth the name—whether despotic or responsible—must always be one organic entity, and not split up vertically into so many parts—each part of it responsible to a different sovereign authority. This very important consideration was particularly emphasized in a despatch of the Government of Bombay, who writing in 1918—when the Reforms were under consideration—adverted to this very important aspect of the question in the following, so to say, prophetic words :

"Practically all proposals of importance put forward by the Minister in charge of any of the departments suggested for transfer will involve a reference to the authorities in charge of the reserved departments. There are few, if any, subjects on which the functions of the two sections of the Government would not overlap; consequently it will be seldom possible in the case of a transferred subject for a Minister to dispense with a reference to the departments concerned with reserved subjects."

In other words, Government departments are in the nature of things interdependent and, therefore, constitute an indivisible unit and they cannot be split up

into parts or groups and placed under different controlling agencies without rendering the administrative machinery wholly unworkable. That any attempt at an artificial division is thus bound to recoil on the whole system is brought into strong relief in the evidence of the many Ministers who were examined by the Muddiman Reforms Enquiry Committee. It need not surprise one, therefore, that the theory itself on which Dyarchy has been based being politically unsound and unwarranted by administrative experience, the new system has not only failed to give satisfaction either to the administrators or the people, but has been a potent cause of bitterness and strife in the country, between the Government and the politically-minded classes, in particular.

The Governor in Ministry.

The most notable feature of Dyarchy is the introduction of a Ministry, acting with the Governor in the administration of the transferred departments. It is this system which has provoked the greatest controversy on the ground that under it, as it actually obtains in practice, the Minister has no individuality of his own, nor is he really responsible to the Legislature, but is merely a mandatory of the Governor. Now, we know from experience that in the working of all human institutions, much depends not on the constitution but upon the personalities administering the system, and so, even as things are at present, there is no reason to apprehend that a really qualified and strong Minister—if one such be selected by the Governor—would be but a phonographic automaton of his nominator. Making allowance for it, however, the fact remains that, speaking broadly, Governors have so far preferred to choose safe rather than strong men, and the Ministers have but held sway over the administration because there has not yet been sufficient time for the formation of strong political parties to oppose the Ministers who are supported by the official and non-official nominees of the Governor in the Legislative Councils. Apart from this, the system has been so worked as to have been incapable of evoking any enthusiasm for the Ministers or the Ministry. To begin with some minor matters,

but to which yet great importance is attached in India: the Ministers occupy in popular estimation a distinctly inferior status as members of the Government. The reasons for such a view but lie on the surface. Unlike the Governor and the Executive Councillors, the Ministers are not servants of the Crown but are the nominees of the Governor. Again, they suffer in comparison with their colleagues of the Executive Council in some other respects also. The latter take official precedence over the Ministers. The newest Executive Councillor is thus senior to the oldest Minister. The Ministers are precluded under the law from being nominated by the Governor as Vice-President, and so are not qualified to succeed him as temporary Governor during periods of vacancy arising suddenly, or by the Governor's going on leave. The Vice-Presidentship is under the law reserved for a member of the Executive Council. When the less advanced Indian asks one why power is vested in the Legislative Council to omit or reduce the salary of the Ministers but not of the Executive Councillors, it is not difficult to make him understand it on the ground of constitutional usage and the Ministers' responsibility to the Legislature. But the other differences pointed out above—as also the fact that a Minister is not at present qualified to be in charge of the Finance department—naturally seem incomprehensible, since there seems to him no justification for them. Thus these restrictions and limitations have stamped the Ministry in the opinion of the general public in India as the inferior half of the Provincial Government.

But far more important than any of these is the fact that the Indian Constitution does not at present openly acknowledge the great constitutional principle of joint ministerial responsibility, nor has it so far obtained in any Province in practice, as the result of convention. Curiously the wording of the section dealing with this subject in the Government of India Act (52, cl. 3) is such as to leave no manner of doubt that it contemplates the establishment of joint ministerial responsibility. It is as follows: "In relation to transferred subjects the Governor shall be guided by the advice of his Ministers—unless he sees suffi-

cient reason to dissent from their opinion." Now, the use of the words "Ministers" and "their" goes, I submit, to support the view I have propounded. Unfortunately, in the absence so far of judicial interpretation by a competent tribunal, all Governors seem to have taken the view that this clause does not contemplate what is known in constitutional law as "joint ministerial responsibility." The result is that this very important clause has been rendered a dead letter by the action taken by the Governors, who have framed Rules of Executive Business in a way so as to be enabled to deal separately with each Minister and practically to make him thus subservient to his will. It is to this undesirable aspect of the situation that Sir Ali Imam referred when—in the words quoted by me above—he spoke of the Governor overruling the Minister and of Dyarchy having but the appearance of democracy but being really a shell without the kernel. When it is kept in view that the principle of joint ministerial responsibility is the bedrock of popular or responsible government, so much so that it finds a distinct place and is specifically affirmed in every constitution established during the last two centuries—not excluding that of the present Republic of Turkey—its practical absence from the Indian constitution is obviously a grave and serious defect, detracting to a large extent from the position of the Ministers, as also from the Ministry as a training ground for educated Indians to qualify themselves for enlarged powers and higher public responsibilities. It is to be hoped that the attention of the Statutory Commission would be drawn to this constitutional anomaly and that they would suggest means for setting it right; otherwise we shall continue to have Ministries without joint ministerial responsibility, which is admittedly a contradiction in terms.

Another almost insuperable difficulty affecting the administration of the transferred departments is the division of the subjects under the control of the reserved and the ministerial sides. For the reason stated above—namely, that Government is an indivisible organic entity, which cannot be split up into parts and be yet properly administered—there is experienced almost

daily difficulty by the Ministers in executing their policy in the departments under their control. Now, it must be so because the division of departments effected is absolutely arbitrary; and in fact it could not be otherwise. This is a matter on which the Ministers are—not unjustly—constantly and continuously harping. I shall quote here the words of Sir K. V. Reddi—a Minister in Madras—from a statement made by him in 1923. This is what he said:

"I am Minister of Development minus Forests, and you all know that development depends a good deal on Forests. I am Minister of Industries without Factories, which are a Reserved subject, and Industries without Factories are unimaginable. I am Minister of Agriculture minus Irrigation. You can understand what that means. How can Agriculture be carried on extensively without Irrigation, in the hands of those who are responsible for it, is rather hard to realize. I am also Minister of Industries without Electricity, which is also a Reserved subject. The subjects of Labour and Boilers are also Reserved. But these, after all, are some only of the defects of the Reform scheme."

Similarly, the senior Minister in Bihar and Orissa (Sir Muhammad Fakhruddin) spoke in the Legislative Council in 1927, as follows:

"The classification of transferred subject is seriously defective. There is no reason why you should give the Minister, Agriculture without Irrigation Why should you give him the administration of the spending department without any control over Finance? Without purse others consider me as if I am simply a clerk to prepare a certain scheme, and after the scheme is ready the Finance Department is entitled to knock it down on the ground of want of funds. What happened this year? I had a scheme ready costing several lakhs of rupees for recurring and non-recurring expenditure. But I could not get money."

These are striking comments from responsible Ministers of two Provincial Governments and tell their own tale. But the point raised by the Bihar and Orissa Minister in regard to the administration of the Finance

Department—to which I have already referred above—is one of very great constitutional importance. There is no prohibition in the Government of India Act against the appointment of a Minister as Finance Member, but it has been so embodied in one of the Devolution-Rules. There seems to me no justification for any such restriction. There are at present in two provinces Indian Executive Councillors in charge of the Finance Portfolio, and there is absolutely no reason to apprehend that equally qualified Indians are not likely to be available in the ranks of the Ministers. The restriction imposed upon the latter is, therefore, inexpedient, as it not only acts as an irritant, but also prevents the Ministers from obtaining experience of the working of the financial machinery, and enables them to say that the rigid control of the Finance Department interferes with their executing successfully their policy in what are called the " nation-building " departments.

I could point out a larger number of other equally grave defects and serious limitations in the constitution and convention of Dyarchy, especially as it affects the Ministers and the Ministry, but the few points to which I have referred already will, I feel sure, satisfy impartial critics that it is impossible to expect any good and useful results to accrue from so grossly defective an institution as that of the Ministry under Dyarchy. As a distinguished Anglo-Indian administrator—a retired Civilian member of the Governor-General's Executive Council—said to me the other day : " It redounds greatly to the credit of the educated Indians that they should have managed to run successfully for seven years, in seven out of nine major provinces, so inherently defective a system as that of Dyarchic Ministry."

The Executive Council.

I shall now deal with the composition, the recruitment and the constitution of the Executive Council, the nature of its work and how it is done under the system of Dyarchy. Curiously this important subject has not attracted the attention it deserves, and all the interest displayed so far has centred round the Ministry probably because it is a novelty. But it must be borne

in mind that although the administration of the nation-building departments by the Ministers and their theoretical responsibility to the Legislature are, in a sense, important aspects of our present-day constitution, nevertheless it is the Governor and his Executive Council who—as responsible for the maintenance of law and order, the administration of justice, and the control of the financial machinery—constitute beyond all doubt the more important half of the Provincial Executive.* So long as the Executive Council lasts as a part of the Provincial Executive, its constitution and personnel should naturally deserve serious consideration. As such I make no apology for adverting to some important aspects relating to the Executive Council. As regards its composition, it is as heterogenous as it can be, especially in contrast with the Ministry. The latter comprises men chosen from amongst the elected members of the Provincial Legislature, and as their salaries are votable by that body, the Governor *has* to select those who are fairly well educated and who may be expected to enjoy the confidence of their fellow-legislators for a fair measure of ability and also reputation for character. No such considerations, however, necessarily prevail in the selection of the non-official Indian members of the Executive Council, since neither in theory nor in practice are its members amenable to the control of the Legislature. The total strength of the Executive Council is four in Bengal, Bombay, and Madras, and two in all the other provinces where Dyarchy obtains, and of these half the number is practically reserved for members of the Civil Service. It must be frankly stated that Indian public opinion is unanimous that, even in the selection of the Civilian Executive Councillors, there have been many appointments which were open to grave objection. The grievance is that, admitting that higher appointments need not necessarily go by seniority, Civilians who are believed to be of liberal and progressive views are passed over in favour of those known to be diehards or reactionaries. But it is in the selection of the Indian Executive Councillors—who by reason of convention have to be non-officials—that the Indian public have much to object to. This matter was agitated even in

the course of the enquiry conducted by Mr. Montagu and Lord Chelmsford with a view to formulating their proposals for the Reforms. Strong exception was taken before them to the appointments which had been made till then from the ranks of Indian non-officials, and the subject is discussed by the two eminent authors in their Report on Indian Constitutional Reforms, issued in 1918. On pages 103-4 it is stated :

" We are aware that in the past the nominations made to the Executives have not always given satisfaction. There has been a disposition to regard the men appointed as chosen because they are safe and not likely to give the Government trouble ; and, if Legislature and Executive are to work smoothly together, it is, we agree, necessary to make appointments, which command confidence and ensure efficiency and ability."

Again, dealing with their proposed constitution for the Executive Council under the Dyarchy they state their views as follows :—

" It should be open to the Governor to recommend whom (from amongst the Indian non-officials) he wishes. In making his nominations, the Governor should be free to take into considerations the names of persons who had won distinction whether in the Legislative Council or any other field."

The two passages taken together can leave no doubt as to the class of persons amongst Indian non-officials from whom Executive Councillors should be preferably appointed. Put shortly, they imply that those should be chosen who—to quote the memorable words of the late Queen-Empress Victoria's famous proclamation of 1858—by their integrity, ability, and character may be qualified to discharge their duty successfully as occupants of the exalted office of members of Government on the reserved side, the more so as their colleagues would be men who had received their training as administrators either in British public life or in the Indian Civil Service. It is the settled conviction of the thinking classes of India that many of the appointments made of Indians to the Executive Councils even in recent years will not stand this test, and that the

selections were made from amongst men who were believed to be "safe" rather than qualified. The appointment of such persons naturally brings into lurid light Dyarchy in practice even to a larger extent than would otherwise have been the case. Thus in reply to interpellations it was not long ago elicited in a Legislative Council that while the Indian Executive Councillor in that province was pompously dubbed as the "Home Member," and was naturally believed to be in charge, as such, of the Political and Appointment Departments, the main work of the Appointment department—that of appointing, posting, and transferring the officers—was entrusted by the Governor not to him—the "Home Member"—but to his Civilian colleague! Any comment on the situation so revealed would be an act of supererogation. One can but express the hope that this system which has not unnaturally brought discredit on the Government on the reserved side—if I may indulge in an Irishism—"in future will be a thing of the past." I may add that I have not cited an isolated instance, but that such instances can easily be multiplied.

By far the greatest defect in the constitution on the reserved side is the highly anomalous arrangement under which the Governor and his Executive Council are expected to carry on the administration of the departments in their control, and also to enact legislation and to pilot the budget in the Legislative Council, depending all the time not on a majority of votes but on the good sense of the elected members who, so to say, constitute the Opposition! The total strength at the disposal of the Governor-in-Council in any province is barely more than one-fourth of the total number of the Legislative Councillors. For instance, in Bihar and Orissa the total strength of the Legislature is 103, while that of the Governor's nominees (taking both officials and non-officials) is, I think, twenty-seven, besides the two Executive Councillors who sit *ex-officio*. And it is with the aid of these twenty-nine votes, at the highest, that the Governor-in-Council in this province is expected to do his work successfully in a Legislative Chamber, about three-fourths of the members of which constitute the Opposition. Such a system of parliamentary

government is foreign to all conceptions of a sound polity. No Prime Minister who knows his business would be able to carry on administration or legislation in any legislative body on such terms. And yet it is this very strange feat that the Governor-in-Council is expected to perform successfully under the system of Dyarchy! In the circumstances, one need not be surprised if there has to be much manipulation, a good deal of wire-pulling, and no little "moral suasion" brought to bear on the non-official members to cast their votes on the side of the Government. So far as the administration of or legislation dealing with the transferred departments is concerned, there is the obviously sound theory—howsoever unattainable it may be in practice at present—that the Ministers must receive the support of their party. But the Governor-in-Council, not being amenable to the control of the Legislature, cannot depend upon any party in the House, except only the Governor's nominees. Unless, therefore, a large number of non-officials can be secured to support the acts and the policy of the Governor-in-Council, no work can be carried on, and the administration of the reserved side must come to a standstill. By reason of such serious defect in the Constitution, the Governor-in-Council is naturally driven to resort to methods for securing votes from non-official members which are not unoften open to grave objection, and which have generally a highly demoralizing effect both on the Government on the reserved side, as also on the non-officials who are its habitual supporters. These facts are so obvious as to require no further exposition.

The Governor under Dyarchy

From what I have said above it would be clear that the Governor administering Dyarchy—either with the aid of the Executive Council on the reserved side or with that of his Ministers on the transferred—is not what we understand by the term "constitutional Governor." His powers under the law are large and extensive—some may think, dangerously so. To begin with, he alone of all the members of the Provincial Government is vested with the power of framing rules for the carrying on of the business of Government on

which the working of the whole system hinges. Section 49 (clause 2) vests the Governor alone with powers to "make rules and orders for the more convenient transaction of business in his Executive Council and with his Ministers." The result of the rules framed under the terms of this section is that the principle of joint ministerial responsibility—so clearly enunciated in the section quoted above—has been practically abrogated and the Ministers are overruled frequently and the Executive Councillors—especially the many "safe" ones—made subservient to the Governor's will. When, for instance, the point was raised as to the reason why the work of the Indian "Home Member" was done by his Civilian colleague—to which I have referred above—the answer given by the latter on behalf of the Governor was that the transaction of official business was a domestic concern of the Government! True, but it did not seem to have struck the Civilian Member that if he alone could do both his own work and that of his Indian colleague, it is obviously a waste of public funds to retain the latter at a high salary—that too in a poor country like India. Such are the inherent difficulties one is naturally faced with when taking up an untenable position in defence of Dyarchy in practice.

To take but one more example of the extensive powers vested in the Governor under Dyarchy. After the enactment of the Indian Civil Services Act of 1925, the Governor of a province directed that his tour expenses, which had been till then submitted to the vote of the Legislature, should not be so done. Accordingly the Finance Department in preparing the next budget removed the amount of this item from the votable to the non-votable list. As the law stands, the action of the Governor was legally correct and justifiable. But after the budget was passed, a member of the Legislative Council applied in the High Court of the Province for a writ of mandamus against the Governor and the Finance Member. The point was argued at the Bar before a full Bench of the Court. In the result, the learned Judges rightly dismissed the application, holding that the Governor was, under the law, fully within his rights in doing what he had done, and that no application or suit could lie against him for his having

counselled or done anything or ordered anything to be done in his official capacity. The law, as stated by their lordships, must be accepted as correct. But I cite a short passage from the comments on this case of one of the leading Indian journals, of a province other than the one concerned, to indicate the Indian view of the powers of a Governor under Dyarchy. Wrote the *Tribune* of Lahore :

" There are two and only two forms of check on the Indian Executive which can prevent it from acting arbitrarily or despotically. One is that exercised in and by Parliament. The other is that exercised by courts of law. In the present case parliamentary check admittedly does not exist, and now one of the highest tribunals in the country has told us that the courts, too, have no jurisdiction in the matter. Who can say after this that autocracy has finally disappeared from our midst, and that we live under a constitutional Government ? "

But while the powers of the Governor are obviously large and arbitrary, he is unduly protected of all the members of Government. The Executive Councillors and the Ministers sit in the Legislative Council and have to defend not only their individual official acts, but also those of the Government as a whole. But the pivot of the Provincial Government, the Governor, who is entrenched at the Government House, outside the Legislative Council, and who moves from there the whole manchinery of administration, is declared by law and rules to be absolutely immune from any criticism in the Legislature, or even from his name being referred to therein in his official capacity. In other words, he is treated on the same footing as a constitutional sovereign—be it a King or a President—who is declared immune from parliamentary criticism on the ground that as the head of the Executive he but follows the advice of his Ministers, who sit in the Legislature to defend their policy and the advice tendered by them to the constitutional head of the State. But such an assumption is absolutely unwarranted by the facts and the circumstances relating to Dyarchy in practice in the nine major provinces of the Indian Empire. The

law and the rules obtaining therein have made the Governor the most powerful member of the Provincial Government. It is he who runs the whole machinery of administration, both on the reserved and the transferred sides, and who also directs and controls the work of the Legislature by having vested in him the powers of ultimately disallowing or over-ruling interpellations, motions, resolutions, and private legislation. And yet in spite of it all, he is treated in law and in fact as if he were but a constitutional Governor! The facts stated above in regard to the extensive powers vested in and wielded by the Governor go to show the baselessness of such an assumption. Far from that being the case, the fact is (as I have pointed out above) that even his colleagues in the Government—either on the reserved or the transferred side—have no voice in that very important function of a Government, the power to make rules for the convenient transaction of business. Clearly, then, an amendment is called for, not only of Section 49, dealing with the rule-making powers of the Governor, but also of the provisions under which his acts and orders cannot be discussed or even referred to in the Legislature. Either the Governor's acts or orders should be made amenable to the Legislature, or—if that be considered undesirable or inexpedient—the Governor should become a constitutional Governor, dependent on the advice of the Ministry, who alone should be responsible to the Legislature.

The Long and Short of It.

Such are but some of the striking and salient features of Dyarchy, both in theory and practice. The system has been found, both in principle and practice, to be full of grave defects and serious limitations, and it is not surprising that it has not appealed to Indian imagination. In his "Government and Parties in Continental Europe" (volume I page 103) that distinguished authority, Professor Lowell, after analyzing the constitutions of various Continental States, remarks that the result of his analysis shows that "the foundation of government is faith, not reason," and this view is obviously even more applicable to the Governments of

Eastern rather than Western countries, and can be predicated with even greater certainty of Asiatic countries and their Governments rather than those of Europe, or of those derived from or based on European models. But that is not all. For, " if " (as remarked by the late Viscount Bryce in his monumental work on "The American Commonwealth," volume I page 357) " the true value of a political contrivance resides not in its integrity, but its adaptation to the temper and circumstance of the people for whom it is designed," then there can be no hesitation in saying that no political system could be worse adapted to the objects the authors of the scheme had in view than Dyarchy in the provinces of the Indian Empire, as its inherent defects are patent on the surface, both in the theory on which it is based and also in practice.

But there are other important political considerations bearing upon the subject under discussion. "Parliamentary Government, " says Professor Lowell (in his standard work on " The Government of England," volume II, chapter LVI), " avoids deadlocks by making the Executive responsible to the Legislature." " Presidential Government," he continues, " limits deadlocks, because all the organs of the State must alternately submit to a superior tribunal, the electorate of the nation." But a Government like that established in all the major provinces of the Indian Empire, composed of an elected Legislature and a divided Executive, with a Governor at its head armed with extensive powers and working one-half of the Government with the aid of an Executive Council appointed by the Crown and not responsible to the Legislature, and the other half with the aid of Ministers appointed by himself and responsible to the Legislature, is a system not only too complex and complicated, but one which, being unknown to constitutional history, is naturally unwarranted by political experience as a satisfactory solution of the problem of an efficient Executive, sufficiently amenable to the control of popular representatives. As for its being able to command the " faith " of the Indian people, it is unfortunately but too true (and for reasons stated above there is nothing surprising in it) that in the opinion of all those who have worked the system,

whether officials or non-officials, Indians or Europeans, Dyarchy has completely forfeited any claim to allegiance.

The Remedy: Provincial Autonomy.

Before discussing the question of a proper remedy for the present state of affairs in the provinces of India, I would like to remark that, as foreshadowed by me in the opening part of my address, I have tried my best to survey and discuss the problem purely from the administrative and not from the political standpoint. I have not referred to the abstract right of all peoples in general or of those of India in particular to rule themselves, or to the especial difficulties that may be said to exist in India in giving the people Home Rule, because these would be political rather than administrative considerations. My attempt has been to show that the King in Parliament—the highest Sovereign body in the British Commonwealth—having declared his will in the Preamble to the Reform Act of 1919 that its object was " the gradual development of self-governing institutions with a view to the progressive realization of responsible government in British India," that object has not only not been achieved, but is not likely to be achieved at any time through the medium of the system of Dyarchy Now, if this view be correct, the question of some constructive measure becomes at once an important one, and it is to this point that I shall refer before bringing my remarks to a close.

At one time, with a shorter experience of Dyarchy, in practice I thought that the best course would be to transfer, from time to time, additional departments to the charge of Ministers, till they came to possess complete control over the provincial administration. This was the view I held as late as 1924, and expressed it in the minute which I wrote for the information of the Muddiman Reforms Enquiry Committee. But the discussions which I then had the advantage of having with my two colleagues in the Government on the reserved side—the Governor and the Senior Executive Councillor—satisfied me that the remedy proposed by me would probably be worse than the disease itself,

and I was thus led to accept the conclusion suggested by my colleagues—though they were not prepared to recommend its adoption at that time on the ground that it went beyond the purview of the enquiry then undertaken—namely, that provincial autonomy could be the only solution of the problem facing us. Thus, in this important matter, I tried to be more cautious than my colleagues of the Indian Civil Service, but finding that my view was declared to be untenable and impracticable by administrators like Sir William Marris and Sir Henry Wheeler—who deprecated setting up a half-way house—I was driven, on a more careful consideration, to accept their view that there was no *via media* between the present system and provincial autonomy. This is not only the view of the two experienced Anglo-Indian administrators, quoted above, who may justly be credited with an intimate knowledge of Dyarchy in practice, but also that of another Anglo-Indian authority—namely, Sir Michael O'Dwyer. Concluding an article on "Indian Politics and Economics" in the issue of the *Edinburgh Review* for July 1927, and after pointing out what according to him are very serious obstacles to constitutional progress in British India, Sir Michael says that if and when an Indian nation has come into existence, "we can then ask Indians to co-operate with us in the development of self-government in its only practical form—*i. e*, provincial autonomy." So that is evidently the one practical solution of the problem with which we are confronted, and the inevitable conclusion logically forced upon us is that, whenever the present system is to be superseded, it can only be by the adoption of provincial autonomy—*i. e.*, by a system in which the Executive is composed of a constitutional Governor and a Ministry responsible to the Legislature.

A Rejoinder to Criticisms.

Through the courtesy of Mr. Stanley Rice, I have received a copy of the report of the discussion on my paper on Dyarchy, at the adjourned meeting on the 17th October, when I was on the high seas on my way back to India. I am desired to send in a reply not to exceed one thousand words, though the report of the

debate itself covers no less than 18 pages of closely printed matter! In the circumstances, I cannot help feeling that it would have been but fair to me to have arranged for the debate on the date on which I read my paper, and not adjourned it to a date when I could not be present to reply effectively. Readers of my reply will, I trust, kindly keep in mind the disadvantage I am thus placed under, and will make due allowance for my inability to meet all the points urged by my critics. For the same reason—and certainly through no lack of courtesy—I shall confine my reply to the observations of the Chairman (Sir Patrick Fagan) and only those others amongst the debaters who have had actual experience as administrators of the working of Dyarchy.

I need not devote much space to the speech of the Maharajadhiraj of Burdwan, as he agreed with me in the main and differed but on minor matters. As a member of the Government of Bengal (both before and after the introduction of Dyarchy) his views are entitled to weight and consideration and it is gratifying to me to find that he substantially confirmed my view. He rightly said that both he and I "know for a fact that" our "conclusion regarding the working of Dyarchy were practically the same"—namely, "that Provincial autonomy was perhaps the only remedy." I am quite content to leave it at that. It seems a pity that none of the speakers at the adjourned debate cared to notice the significance of the valued support I had received from the Maharajdhiraja on my main contention.

Similarly, it is a source of great satisfaction to me to find that though an experienced administrator like Sir Patrick Fagan started by "reprobating" me (in the legal sense) by saying that the "root and branch condemnation which the author of the paper expressed had not been altogether borne out," he more than "approbated" my views in the same breath by declaring as follows:— "Dyarchy appears to attempt to do what is in essence an impossibility." This was precisely my own contention. I need quote him no further, as his own words (following those I have reproduced) amount, I submit, to an even stronger condemnation of Dyarchy than may be justly said of my statement. The only other

comment I may permit myself to make is with reference to Sir Patrick's complaint that I had suggested as remedy "Provincial autonomy" which "rather vague expression is not explained". I regret I cannot plead guilty, for my last words were a definition of this very phrase as "a system in which the Executive is composed of a constitutional Governor and a Ministry responsible to the Legislature." I submit that this statement of the principle underlying provincial autonomy makes its meaning as clear as my command of English enables me to do.

Dr. Paranjpye's observations seem to me to be, on the whole, of so nebulous a character that I find it rather difficult to deal with them in the short space at my disposal. He emphasised that the Montagu-Chelmsford Reform (even though afflicted with Dyarchy) is better than what it superseded—namely, the Morley-Minto constitution. I myself hold that view and have expressed it unambiguously in the paper under discussion. Nor did I ever suggest, or could do so, that we should go back to the old constitution, merely because it was impossible to work Dyarchy. All this is, I submit, what lawyers call "raising a false issue"—just to draw a red herring across the the trail and thus cloud the main issue. But Dr. Paranjpye while he "did not entirely agree in all" that I said "as regards the difficulties of the system" had the fairness to admit—for which I am grateful – that "of course, the difficulties theoretically were there." That is an admission to which I attached great weight and value as Dr. Paranjpye having been himself a Minister has had practical experience of the inherent defects of Dyarchy. But when it comes to the practice of it, he seems not quite disposed to agree with me, though here again he is not direct and specific in his statements, but takes shelter behind the specious plea that the smooth working of the system "depended upon the personality of the Governor and the Minister and also perhaps upon the personality of the Secretary as to who was to be top-dog in all this trouble and fight." Well, to a learned Brahmin like Dr. Paranjpye, immersed in beautific beautitude, the spectacle of each of the three contending parties struggling to be "top-dog" in the provincial

administration (on the transferred side) may cause no worry and may not upset his equilibrium. But his declaration (just quoted) amounts in my opinion to the strongest condemnation of the system in practice, as he lays down as its condition precedent an ideal state of affairs, which is not likely to be realized in this work-a-day world—namely, the Governor (Brahma,) the Minister (Vishnu), and the Secretary (Siva), all three working harmoniously, when as a matter of fact each of them—according to Dr. Paranjdye himself—is but struggling to be "top-dog" of the show!

I shall now turn to the longest criticism of my paper and also (in a sense) the most important, that offered by Sir Henry Wheeler. Sir Henry kindly acknowledged my "able assistance" during the more than four years that we worked together as colleagues. While conveying to him my sense of profound gratefulness for it, I may add that of the many things I learnt as the result of my close association with him, not the least important was that, in public discussions, hard words break no bones and that, therefore, it is best either to avoid them, or, at any rate, to be temperate in one's language. That I have taken this lesson to heart and tried to benefit by it, is evidenced by my paper on Dyarchy having been "passed" by the Literary Committee of the East India Association, as being one which—in the words of Sir Louis Dane—was "written in a most admirable and temperate spirit," and in which "there is nothing which need give rise to anything in the nature of acrimonious discussion." It has, therefore, come as a rather disagreeable surprise to me to find that Sir Henry in his criticisms of my paper was disposed to be at times not only intemperate in his language, but also unchivalrous enough to formulate some unfounded charges in the absence of the accused, to which he could not, therefore, reply at the time; nor can he do so adequately now in the very restricted space at his disposal. He charged me with having fallen a victim to the use of "a catch phrase ("Dyarchy must go,"—which I had never used!) borrowed from English politics in the way that catch words and phrases travelled round the world," with having "entirely misrepresented" the position of the Secretary under

Dyarchy, with having depicted the Governor as an "ogre of the piece," with having stated "that Ministers were daily overruled" and (to omit several other similar accusations) he averred "that the picturesque language of journalism had rather carried the writer away into some disregard of the actual facts." Such language is, in my humble opinion, wholly at variance with the sound teaching Sir Henry graciously imparted to me and the lesson he so kindly inculcated on me, both by precept and example, in the matter of temperateness in expression and in adopting fairness of outlook in dealing even with those from whom we may differ in opinion. I may venture to claim—on the testimony of Sir Louis Dane quoted above—to have set a better example of these virtues in my paper than Sir Henry did in his criticisms. It would not be difficult for one like myself, who has been thirty-five years at the Bar, to indulge in effective retorts and smart persiflage on the line of criticism adopted by Sir Henry, but I would advisedly forbear from doing so, preferring to follow the example he set me in his responsible office of Governor to that in the (comparatively speaking) much less responsible position he now occupies as an inmate of that Cave of Adullam—the India Office.

As to the merits of his accusations, Sir Henry seems to me—if I may say so, without impertinence—to have brought to bear upon my paper not quite an unprejudiced frame of mind which has resulted, not unnaturally, in a warped judgment. For the statements I made I gave incontrovertible facts, unimpeachable data and unquestionable authorities, and they are there, for what they are worth, for anyone who may care to study, with an impartial mind, the problem I dealt with. I expected that those who would discuss it, with a view to improve matters, would not forget that language upon the matter is to be desired and not misrepresentation or invective. I tried to avoid both these common failings, and it is to me highly gratifying to find that no other speaker charged me with either. To say as I did that by reason of the non-establishment of the principle of joint ministerial responsibility (in the administration of the transferred side) the Governor finds it easier to overrule individual Ministers,

is very far from stating or even implying that the latter are overruled "daily" (the word Sir Henry puts into my mouth, but which I nowhere used) by Governors; and to say as I did that the direct right of access to the Governor which the Secretary enjoys materially weakens the position of Ministers is not at all to imply (as Sir Henry vigorously puts it) that "the Governor and the Secretary got together to see how best they could do down the Minister." Such comments—howsoever in their proper place in "nothings" on Secretariat files—are not likely to commend themselves to or find acceptance with people trained to sift, appreciate and weigh things properly.

But Sir Henry's criticisms of my paper are not confined merely to faults of commission, but (in a larger measure) to those of omission as well. My answer on this charge must be briefer still, *viz.*, that the omissions were advisedly made, as in my opinion they did not come within the purview of my paper—which was Dyarchy in theory and practice, but not in its working in the various provinces Assuming, but not admitting, that they did so, and that my judgment on this point was wrong, even then I would urge that I was fully justified, by the terms of my agreement with the East India Association, not to deal with them, as they all trenched upon the political sphere and were thus bound to prove controversial and to lead to an acrimonious discussion.

I shall illustrate my meaning by an example. I find, for instance, that referring to the many omissions which he enumerated Sir Henry said:—"Beginning with the basis of the whole structure, how had the electorates worked." Now supposing I had dealt with this particular aspect of the question and had stated that the electorates had not yet worked well, in the sense that they had not displayed sufficient interest, enthusiasm or a right perception of the qualities or qualifications of the candidates, surely, the matter could not rest there. The question would at once be raised, why it was so? And what would be the answer of any educated and thinking Indian? It would very probably be that it was so as the Government (though it had ruled, say Behar, since 1765) had grossly neglected its duty to the

people and had failed to educate them, with the result that even after 162 years of British rule the vast bulk of them (more than 95 per cent.) were grossly illiterate, and that this was due to the Government's indifference to the condition of the masses, on account of its personnel being foreign and its character despotic (howsoever of benevolent a type) and its natural anxiety to spend a larger portion of the public revenues for the upkeep of its British civil and military services and the maintenance of an unnecessarily large Army to garrison the country, and so on and so forth. If an Indian said so at a meeting of the East India Assocation, could any Anglo-Indian (using the term in its classical sense) be prevented from repeating or paraphrasing in his reply to the Indian argument the substance of the observations emphasised of late by Lord Birkenhead in the House of Lords, in which he has eloquently descanted on the origin of British rule in India, the past and the existing conditions in the country, and the consequent, inherent rights of the British as the perpetual trustees of the Indian people? And would not such a debate—which I have adumbrated in the mildest language—be in all likelihood highly acrimonious, full of bitterness and recrimination. I hope Sir Henry will now realize why I felt justified in excluding from my survey the actual working of the Dyarchic system and confined myself but to its theory and practice. But if he does not or will not, then all I can say is that in this matter we are evidently looking at the question entirely from different angles of vision and must, therefore, but agree to differ.

III

THE REPORT OF THE BIHAR GOVERNOR-IN-COUNCIL ON THE WORKING OF THE REFORMS.*

I have studied with the care and attention it deserves the Report submitted by the Governor-in-Council of this province to the Government of India on the working of the Reformed Constitution in Bihar and Orissa during the period 1923-26. My interest in it is of a two-fold character, firstly as a citizen of the British Commonwealth concerned in the healthy political progress of my country, and secondly, because during practically the whole of the period covered by the Report, I was myself a member of the Bihar and Orissa Government, on the reserved side, in charge of the portfolios of Justice, Irrigation and Finance. As Finance Member I had occasion almost daily to watch with a sympathetic interest the working of the administration on the transferred side, under the control of the Ministers, with whom—as also with my colleagues on the reserved side—my relations were cordial and happy. I am, therefore, not quite disqualified from discussing the Report now submitted by the present Governor-in-Council, who are the successors of those whose work and that of the Ministers (who still continue in the Government) is brought in it under survey. The Ministers, however, are not responsible for the Report, which as stated in it " embodies the unanimous views of the Executive Council "—or (to put it correctly) of the Governor-in-Council. The Ministers have had no lot or part in its preparation ; they were only allowed to peruse it and to write " seen ". Their own joint note (appended to the Report) does not, therefore, deal with it, but consists merely of replies to questions

---

* *A critical review issued to the press and printed as a statement, in 1926 in response to the special request of the late Mr. K. C. Roy of the Associated Press.*

supplied to them on which they were asked to express their opinion. As regards the Executive Council, it would be wrong, for reasons that need no recounting, to hold the permanent Indian Member of it responsible for the contents of the Report, which may be taken to be the production of H. E. the Governor and the Civilian Executive Councillor. But as the Report covers some thirty pages of closely printed matter, an exhaustive discussion of the controversial points with which it bristles is beyond the scope of this statement, which is necessarily confined to but a few topics selected by way of example to show the tenor of the Report and the value of its declarations on and criticisms of the work of the Ministers and other non-official workers in the Legislative Council and in the local self-governing bodies.

What has struck me at the very outset is the marked contrast in tone, temper and substance between the Report under notice and the earlier one on the same subject, prepared at the request of the Government of India, in 1923, during the regime of Sir Henry Wheeler. That Report being also a published document, anyone interested in the matter can easily compare and verify for himself the manifest contrast it presents to the one just issued. This reference by me to the earlier document is not in the nature of a digression or as something by the way, but has been deliberately made in order to emphasise the conclusion I have arrived at, that in this patent contrast between the two Reports there lies a world of significance, which deserves to be carefully noted. When the earlier Report was published, or rather prepared, the prospect of a Statutory Commission seriously investigating the question of the extension or otherwise of the Reforms, did not loom on the political horizon as it did last year. What is more, the spirit of healthy progress generated even among the members of the Indian Civil Service, largely due to the inspiration or influence of the late Mr. Montagu, had not then altogether evaporated, as it has unfortunately done since. There can be little doubt that the Report under consideration has taken the form it has, both in language and sentiment, largely because of the above-mentioned factors ; and it is plain that the

almost wholesale denunciation and belittling of non-official work and effort, whether in the Legislative Council or in the local bodies, has been induced in it by an anxiety, which may be assumed to be unconscious, to prove the unfitness of the educated Indians for a further substantial instalment of Reforms. It is, therefore, that the Report is, in the nature of things devoid of genuineness, remote from realities and reads like—what it is—a piece of special pleading, pure and simple. Unfortunately for its authors, it carries the anxiety, which seems to have inspired it, too much on the surface, and it is, in my opinion, so full of wrong assumptions, false premises and unwarranted inferences that it cannot impress anyone but those who are but too willing to convict the politically-minded Indians of an almost eternal unfitness to be ever in their country what their British fellow-subjects are in theirs. I shall now briefly attempt to substantiate my allegations and contentions

II.

To begin with, we are assured that "there have been no constitutional difficulties in the relations between Sir Henry Wheeler and the Members of his Government, although the local politicians and press have tried to invent them. By the phrase "Members of his Government," the obvious reference, from the context, is to the Ministers and not to the Executive Councillors. The latter are practically the equals of the Governor, who cannot either appoint or dismiss them, as he does and can his Ministers—as was done, for instance, sometime back by the Governor of Madras and but the other day by the late Governor of the United Provinces, in spite of the fact that the Ministers had, in each case, the support in their policy of majority of the non-official elected members of the Legislative Council. In case of a difference between the Governor and an Executive Councillor, the former cannot overrule the latter. Unlike the Government on the transferred side—the "Governor-in-Ministry"—the principle of joint responsibility of the Governor-in-Council is too well established both by law and convention. The papers have, therefore, to be circulated amongst the other Executive Councillors

and the final decision arrived at is that of the majority of the Members of the Government on the reserved side. In such a system, the Governor himself, as often as not, stands a chance of being overruled by the Executive Council—barring the exceptional case when the safety, tranquility or interests of the province or any part thereof require that the Executive Council be overruled. But such a situation has never arisen in the province since it was constituted. That being so, it is quite clear that no "constitutional difficulties" *can* possibly arise between the Governor and his Executive Councillors. They can do so only between him and his occasionally "strong" Ministers, although the latter being the Governor's "creatures" and altogether dependent upon him alike for appointment and dismissal, are not likely to prove assertive enough to create deadlocks. Thus while in relation to the Executive Council, the Governor is but "the first among his equals," in that to his Ministry he is the dominant or rather the predominant partner, and exercises by reason of his position, status and power, an amount of influence over his Ministers which makes them, in effect, dependent upon—if not subservient to—his will, rendering any *formally* overruling them, on the part of the Governor, absolutely unnecessary. This is no reflection on any individual Minister, but the inevitable result of that hopelessly defective administrative arrangement, called "Dyarchy." And, as if all this were not sufficient to reduce individual Ministers to submission to the Governor, there has been given effect to in province after province the sinister and insidious policy—wholly indefensible because gravely unconstitutional—of the "promotion" of Ministers to the Executive Council—though (fortunately) it has not yet come about in Orissa. For these reasons, I am not at all impressed by the assurance in the Report that it is "untrue" that "the Ministers have no real power and have been constantly overruled." In the absence of joint ministerial responsibility, such a statement is not likely to impress those who understand the working of the system. And one need not go to "the local politicians and press" to be enabled to form one's opinion on this point, for fortunately we have the unequivocal testimony of the

two Bihar and Orissa Ministers themselves, by which to test the correctness of the assertions made in the Report and to estimate the true position of the Minister in the present scheme of Reforms and in its actual working.

Both Sir Muhammad Fakhruddin and Sir Ganesh Dutta Singh were the Ministers throughout the period covered by the Report. Let us note what they have to say on the subject, *i. e.*, about their possessing or being allowed to exercise "real power." Speaking so recently as March 1927, in the Legislative Council, Sir Muhammad Fakhruddin declared that the Ministers are "impotent," that they "are certainly powerless", as "they have to serve under various restrictions and limitations." He added: "without (the power over) purse, others consider as if I am simply a clerk to prepare a certain scheme and after that scheme is ready, the Finance Department is entitled to knock it down on the ground of want of funds". Sir Ganesh Dutta Singh is no less explicit in the statement of his views on the same subject. In his "Memorandum on the Indian Constitution" he expresses himself as follows:—"The recommnedations of Ministers in certain matters are restricted by the suggestion of local officials, who serve under the reserved side of Government; and frequently Government is therefore hampered by consideration of prestige of officers of these services." Again: "though the administration has been carried on with apparent success in the province, *this had only been rendered possible by a degree of forbearance on the part of the Ministry which cannot be expected to continue much longer.*" If, therefore, the Ministers are "impotent" and "certainly powerless," and the success of the administration on the transferred side in this province has been rendered possible only by "*a degree of forbearance on the part of the Ministry which cannot be expected to continue much longer,*" is it to be wondered at that there were no "constitutional difficulties" between the Governor and the Members of his Government on the transferred side? Thus on the testiomny of the two Ministers themselves, it is clear that there has been (on the transferred side) a Government on sufferance, pure and simple, a Government technically by the Governor-in-Ministry, but

really by the Governor, let us say, putting it mildly, with the willing or the unwilling acquiescence of each individual Minister, the principle of joint ministerial responsibility being completely absent in the administration of the departments on the transferred side. And yet in the face of these ministerial declarations, the statement is made in the Report—astounding as it may seem—that "this complaint (*i e.* of the Minister's powerlessness) has not emanated from the Ministers, but from those who have made it their business to abuse them". Such a statement is obviously incorrect and is bound to prove mischievous, unless it is challenged. Hence why I have brought together all the data to enable the reader to test the matter for himself.

III

But unfortunately that is not all. It is that in the Report under notice not only the Governor-in-Council has sat in judgment over the work of the Ministers and the non-official collaborators with the Government, but there is broadcast in it the opinions of the various departmental heads and Secretaries seriously reflecting upon the work of the Ministers, the Legislative Councillors and the members of the local bodies. These comments make it quite clear that the relations between the Ministers and their departmental subordinates have been very far from what they should be or say from what they are between the Governor-in-Council and their Secretaries and departmental heads. Lest it be suggested that this statement of mine also "has not emanated from the Ministers but from those who have made it their business to abuse them"—namely, "the local politicians and press"—I hasten to quote the very words of the two Ministers themselves, embodied in their joint note appended to the Report under consideration. This is what they say on the subject in the very opening lines of their note :—"The relations between the Ministers and the public services were *generally smooth as far as practicable.* As we were anxious to have co-operation of the public services, *our differences* used to be *settled by discussion.* The *orders* passed by us were *carried out without any apparent resentment.* There were *occasional protests from the local officers* when the Reformed Government did not act according to their wishes." This

declaration is so explicit that any comment on it would be an act of supererogation. Perhaps the only thing permissible is to put into italics (as I have done) some of the expressions. For the rest it may be left to speak for itself. Now these opinions of the officers subordinate to the Ministers, which are so copiously quoted in the Report, throw a flood of light on Dyarchy in its actual working. The fact is that the higher public services, no less than the Governor-in-Council, are naturally interested in discrediting the work of the local bodies, and in belittling and crying down Indian effort and achievement, as reflected in the work of the Ministers and the Legislative Councillors. And it is this which explains the most extraordinary aspect of the Report, the amazing spectacle of not only the Governor-in Council but even the departmental heads, Secretaries and other officials, sitting in judgment on the work of the Ministers under whom the latter are supposed to serve and take their orders from. That the opinions of the Secretary to the Education Department, the Director of Public Instruction, the Director of Agriculture, the Inspector-General of Civil Hospitals and the Excise Commissioner, all constitutionally and theoretically direct subordinates of the Ministers, should have been quoted with evident approval by the Governor-in-Council, taken as the texts for their own comments, and formed integral parts of their despatch on the working of the Reforms, brings into prominent relief the mockery of the position in which the poor Ministers stand in the scheme known as Dyarchy. Such a method of preparing the Report is bound to prove subversive of all discipline in the administration of the transferred departments under the Ministers, while its publication is undoubtedly calculated to humiliate them as those who can be "abused"—to borrow with apology a term from the Report iiself—with impunity by their own subordinates.

To take but one example out of many. Here is a gem from the criticism of the Minister's work offered by the Inspector-General of Civil Hospitals: "If the country is to take its place with the other nations of the world in medical and scientific matters, the *department should be divorced from its present control* and work along lines which exist in all civilized nations." And, pray,

what are they? And are the British a civilized people? And are not "medical and scientific matters" administered in Britain by a Minister who is dependent on the vote for supply of the House of Commons? And yet the Minister's subordinate here demands his Minister's recall! Clearly also the whole object of these unjustifiable quotation interspersed throughout the Report, as well as of the dissertation in it on the position of the public services under the Reforms, with the frequent lament on the decline in the importance and influence of the officials, is to emphasise that the latter are losing their old power and position, that the non official representatives in the Legislative Councils are insistent that this process should be accelerated, that they are, therefore, no longer amenable (as of old) to the advice of the officials, and lastly that there is a growing tendency on their part to attempt to exercise an effective control on the Executive. Now to those familiar with even the rudiments of responsible government, these develop ments would seem to be the natural concomitants in the progressive passage of the country from the undiluted, though benevolent, despotism of the pre-Reform days to the very meagre transition towards popular control, and the inevitable and quite intelligible reaction from the extreme irresponsibility of the past to the partial responsibility of the present. But to our officials it all seems like a downright popular revolt; hence their open protests and demand for going back on even the present Reforms, as evidenced by the desire of the Inspector-General of Hospitals to abolish the control by the Minister.

IV.

But there is one statement in this connection which should not be passed over, as it correctly sets forth the settled characteristic of the official mind. It is stated, evidently with the approval of the Governor-in-Council, that the District Officer "has strong doubts of the wisdom of the policy that the people should learn by their mistakes." Now, need it have been so solemnly broadcast? Was there any occasion for doing so? Did ever the most irresponsible Indian publicist attribute to our officials the heresy that they believed that "the people *should* learn by their mistakes." Never, I think.

It was not our officials but Macaulay who wrote (in his famous essay on Milton) that "there is only one cure for the evils which newly-acquired freedom produces: and that cure is freedom." It was not our officials but that eminent statesman, Gladstone, who declared that, "it is liberty alone that fits men for liberty." Again: it is not our officials but Mr. Lionel Curtis—the alleged father of Dyarchy—who has stated it as his conviction that "responsibility in the long run is the only educator for responsible government" (*Dyarchy*, page 121) and that "freedom, which in its political aspect is responsible government, is a human and not a western ideal" (page 432). Those, therefore, who may be troubled for an explanation of this seemingly superfluous statement in the Report—about the attitude of the officials on the question of people learning responsibility by their mistakes—will do well to remember that at the head of the Bihar and Orissa Government is a genial and urbane Scotch gentleman—H. E. Sir Hugh Stephenson. Hitting off in his inimitable language the characteristics of the Scotch, that delightful English classic, Charles Lamb writes:—"Persons of this nation are particularly fond of affirming what nobody doubts; they do not so properly affirm as annunciate it. They do indeed appear to have such a love for doing so that all propositions to them are equally valuable—whether they be new or old, disputed or indisputable." That is probably the only explanation for the appearance of this statement in the Report. But though I think the stage has passed when the soundness or otherwise of the policy of Reform leading to the establishment of full responsible government in this country could be seriously canvassed, I am not in the least surprised that our officials should still refuse to see the obvious inevitability of the growth and development of that policy. Speaking in the House of Commons, as Secretary of State for India, the Marquess of Hartington said:—"The Anglo-Indian, whatever be his merits—and no doubt they are just—is not a man who is distinguished by an exceptionally calm judgment." I am, therefore, not at all surprised at the opinions expressed by the District Officers, who evidently still believe with Macaulay's fool that "no people ought to be free till they are fit to use freedom," and who himself "resolved not to go into water till he

had learnt to swim"! Better was, however, certainly expected of the Governor-in-Council and they might have consulted their dignity by abstaining from quoting such views of the District Officers or the departmental heads, with evident approval, on the work of the Ministers or of the local bodies, for they certainly were expected to know that "if men are to wait for liberty till they become wise and good in slavery, they may indeed wait for ever."

V.

Turning to the portion of the Report dealing with the work of the Legislative Council it is, to my mind, grossly unfair to the non-official elected members. The attitude of the Government seems to have been one of systematically picking holes in their work, but studiously avoiding all reference to the earnestness, enthusiasm and ability which a large number of them have brought to bear upon it. This portion also seems to me to be vitiated by a most amazing incapacity to understand the ordinary implications of democratic Government, however partial or limited, on the part of the many officials whose verdicts have been quoted with approval by the Governor-in-Council. Thus the Secretary to the Government in the Education Department avers that the "Ministers' dependence on the vote of the Council leads to a marked lack of finality in the decisionss of the Government on the transferred side." This seem to me to betray a lamentable ignorance of the rudimentary principles of responsible Government, which is but another name for the political system in which the Ministry (or the Executive) is responsible to the Legislature. But for aught I know the Secretary who thus trounces and traduces his own Minister, might be in favour of the abolition of the House of Commons and the whole parliamentary system in his own country. Evidently he is a gentleman who shares the views of the old Turk in Morier's famous novel, *Haaji Baba of Isphahan*, about parliamentary government in Britain, for did he not declare that the British "have certain houses full of mad men who meet half the year round for the purposes of quarrelling" and "who throw more words away in settling a common question than would suffice one of our muftis during a whole reign" and

where "nothing can be settled until these people have wrangled." Who knows but that the Education Secretary may be the old Turk reborn in a new physical vesture!

One or two more—out of the innumerable—examples of the carping, cavilling criticism indulged in by the Governor-in-Council on the work and attitude of the Legislative Council will not be without interest to students of our public affairs. We are told:—"The Council has also shown itself, anxious for a large increase in the number of medical schools, a proposal which does not meet with the approval of the Inspector-General of Civil Hospitals, who considers that the standard of qualification of men of the Sub-Assistant Surgeon class 'is pitifully low and undoubtedly getting lower." In the first place, it is unthinkable that a representative body like the Legislative Council should entrust its conscience in a matter like this to the safe keeping of the Inspector-General of Civil Hospitals or take its cue from the policy which he may desire to pursue. But that apart, I find it stated in one of the recent Administration Reports of the province—known as *Bihar and Orissa*,—that "a further cause which hinders the expansion of medical relief is the lack of Sub-Assistant Surgeons. A second difficulty is the lack of facilities for medical education which will become more pronounced in the future." Need the Legislative Councillors have been, therefore, certified as political charlatans if they, in the light of the above authoritative expression of opinion of the Governor-in-Council themselves, should have urged an increase in the number of medical schools with a view to turn out more Sub-Assistant Surgeons, whose lack "hinders the expansion of medical relief"? I shall give but one more example to illustrate the nature of the many similar unjustifiable attacks levelled in the Report against the Legislative Councillors. It is said—" Attention must however be drawn to one resolution in which the Council showed a tendency to usurp the functions of the Executive when they proposed that a revision of canal water rates should be subject to the previous approval of the Council." The reference here is to a resolution recommending that steps be taken to introduce legislation with a view

to obtain the previous approval of the Legislative Council to a revision of canal rates. The mover took his stand on the recommendation of the Joint Select Committee of the two houses of Parliament that "the imposition of new burdens shall be gradually brought within the purview of the Legislature." The mover of the resolution claimed that the factors to be taken into account in fixing the rates on revision should be definitely regulated by law and suggested an amendment of the Canal Act on these lines. He referred in support of his view to that expressed by the Government of the United Provinces in respect of a similar resolution moved in the Legislative Council of that province. Now, there may well be reasonable difference of opinion as to whether canal rates come within the meaning of the "burdens" the Joint Select Committee had in view when they recorded the opinion quoted above. Not satisfied that it necessarily did so, I myself (as Irrigation Member) opposed the resolution unsuccesfully, as it was carried in spite of Government's opposition. But it is certainly open to the Legislative Councillors to demand that canal rates might well be regarded as included in the category of such fiscal burdens as were contemplated by the Joint Committee. If the object of the Joint Select Committee in making their recommendation was that the "people who are most affected" should have a voice in the shaping of additional burdens to be imposed upon them there was at least an arguable case for the resolution moved and, despite Government's opposition, adopted by the Council. And yet this is the only resolution which could be fastened upon and quoted as an example to prove a "tendency to usurp the function of the Executive." But this is typical of the attitude betrayed throughout the Report, to fix upon almost every case of difference between the Executive and the representatives of the people as a proof of the innate perversity of the latter. The authors of the Report in launching upon this and similar criticisms on the attitude of the Legislative Council do not seem to have appreciated the fundamental fact that in the absence of any real power of initiative conferred under the Reforms upon the Legislatures, an attempt to pry into the details of the administration is about the only method open to their members to bring their political acumen

to bear upon the machinery of Government and to convince their constituents that they are mindful of their interests, by turning the searchlight on the daily work of administration.

One would have expected in a document of this kind some little, if not much, appreciation of the work of the Legislative Councillors in the discharge of their new duties and responsibilities. But there is no trace of any such recognition. Fortunately, we can appeal in this matter from Philip drunk to Philip sober. Let us listen to the latter:—" The general discussion on the budget afforded abundant evidence of the great pains which members have taken in mastering the complexities and technicalities of the financial system. It was clear that the estimates had been carefully scrutinized; speeches were generally well-informed, and irresponsible criticisms and suggestions were comparatively rare. This was the more remarkable and praiseworthy in a Council which consisted so largely of new members. There is no doubt that the Council as a whole realizes and attaches a proper value to the wide powers of control which it now exercises over the finances of the province." This extract is from *Bihar and Orissia, 1926-27* which is the latest Administration Report and has come to hand while I am preparing this statement. Surely Legislative Councillors, whose work in the scrutiny of the financial administration of the province has been so satisfactory, were entitled to some appreciation in a Report on the working of the Reforms. And what is one to think of a survey which but tries to find fault with almost anything and everything they did and said without giving them credit for the good work done by them. The fact of the matter is that hostile critics like the authors of this Report seem to be unable to appreciate the cardinal principle which should govern a sound political constitution, but which is so conspicuously absent from that obtaining at present in this country. This point is very clearly brought out by Sir C. P. Ramaswami Aiyar, Ex-Member, Madras Executive Council, in his recent statement on the Madras Report, in the course of which he writes: "The attacks levelled by many Governments on what have been termed obstructive tactics failed to realize that obstruction is resorted to in most cases because nothing

positive can be done" ; for "if no tangible results, happy or calamitous, will ensue from the conduct of a political personage or party, there is every temptation to indulge in abstract argument." That clinches the matter. "Literary critics," said Disraeli, "were those who had failed in literature." But how is one to describe such high-placed "political critics" as the authors of this Report on the working of the Reforms in the Province of Bihar and Orissa?

VI.

The most vehement attack, however, levelled in the report is in the portion relating to the working of the local self-governing bodies since the introduction of the Reforms. It is claimed that "there has been serious maladministration in the majority of the local bodies both generally and in regard to education"; that "this depressing failure of local bodies to carry out their duties with *even a moderate degree of efficiency* is the most ominous symptom of the general trend of events," and on and so forth in the same strain. The point is repeatedly emphasised that "this deterioration has followed directly on action taken in the spirit of Reforms." We are assured that "misappropriation of public funds is generally regarded more as a subject of mirth or envy than reprobation" and the conclusion arrived at is "that too rapid relaxation of control such as was effected by the (Local Self-Government) Acts passed ......is bound to lead to a disastrous fall in the standard of honesty and efficiency." These are, if true, damaging charges, in all conscience. But it is amazing that such a serious indictment should have been made against many of the most disinterested public-workers in the province, in the form of a sweeping generalization with so little material to support it, and that too against the accumulated weight of wholly opposite opinions expressed in previous years both by the Governor-in-Council and the Governor-in-Ministry in the course of their Annual Administration Reports called *Bihar and Orissa* and their Resolutions on the working of the local-self-governing bodies in the province, since the inauguration of the new policy of relaxation of official control consequent upon the introduction of the Reforms. I

regret I cannot quote them here in extenso for fear of unduly lengthening this statement, but they can easily be found in the documents I have just referred to. To satisfy, however, those who may like to have some idea of these official declarations, I have compiled a short summary in the very words of the Government Reports and Resolutions which I would append here in support of my contention :—That " the emancipation of Municipalities and District Boards from official control has, in some cases at least, infused in the Commissioners a higher sense of their responsibilities "; that there " has been a hopeful tightening up of the administrative reins "; that there was " a distinct improvement in the amount of touring performed by non-official Chairmen and Vice-Chairmen of District Boards"; that "in the past this important branch of their work (touring) has been neglected and it is gratifying that the need for regular inspection of roads, schools and dispensaries is now more generally recognized "; that " experience of the difficulties of administration and the readiness of the District Officer and other officials to co-operate with them has helped to moderate extreme ideas" ; that " one pleasant feature of the new Boards is the keenness of members for education and medical relief"; that " few too were the deliberate manifestations of the lack of sense of responsibility " ; that " a new keenness was evinced by most District Boards in the conduct of their affairs ; " that " this greater interest has tended to the improvement of the District Board administration " ; that " the non-official executive have been able to devote considerable time to their duties " ; that " the supervision exercised has been more effective " and that in 1926-27 " the tendency towards co-operation with the local officers continued in several districts and the feuds and factions in various boards waned." In consonance with these declarations made in previous years, the latest Administration Report called *Bihar and Orissa, 1926-27*, which has just come to hand, records the very gratifying fact in respect of Municipalities that " embezzlement and defalcation are comparatively rare." In respect of District Boards it states :—" During the last year of their term of office most of the Boards showed less inclination to indulge in politics. As a consequence the practical work of education received

more attention and was better done" and that "faction and personal animosities were also less noticeable." To crown all is the following ungrudging testimony borne in it:—"It would be a mistake to infer that the administration of educational affairs by local bodies has been systematically perverse or incompetent. In many districts too a wise use has been made of the liberal funds which Government have been able to place at the disposal of the Boards *and the non-official Chairman appeared to be more interested in education than the old official Chairman used to be.*" These unequivocal admissions can leave not the least doubt in the mind of any unprejudiced person that the opinions now expressed by the Governor-in-Council are neither warranted by facts, nor justified in the light of their own opinions expressed in previous years in appreciation of the work of the new local self-governing bodies. According to the Governor-in-Council and the Governor-in-Ministry themselves, it was repeatedly stated in official declarations that a new spirit of progress had been infused in the post-Reform self-governing bodies, their executives devoted considerable time to their labour of love, the supervision was more effective, greater attention was being paid now to Education and Medical relief, the earlier instransigence (of the non-co-operation days) had yielded to a healthy co-operation between the local bodies and the officers of Government and that party feuds and factions had gradually waned. All these earlier admissions, however, have been now given completely the go-bye and statements have been made in the Report under notice which are in direct contradiction to them. How can this somersault be accounted for, except on the hypothesis advanced by me—*viz.*, the advent of the Statutory Commission ?

VII.

But to be able to verify the correctness of the serious charges made in the Report against the new local bodies I have carefully re-studied the Government's Reports on their working and I am satisfied that far from the disaster that the Bihar and Orissa Governor-in-Council apprehend in the near future, the progress made by the local self-governing bodies during the post-Reform

period augurs well for the future of responsible government in this country. To refer to but a few figures gleaned from the official Reports, I find that the gross receipts of the Municipalities have gone up from Rs. 34,37,753 in 1911-12 to Rs. 47,55,230, ordinary taxes from Rs. 12,88,494 to Rs. 26,75,177 and special taxes from Rs. 34,427 to Rs. 86,685. The result is that the incidence of taxation per head of the Municipal areas has risen from Re. 1-1-4 to Rs. 2-0-9. What is more, the progress has been rapidly steady ever since the reformed Municipalities came into being, and it appears that whereas the progress during the ten years of the pre Reform period was from Re. 1-1-4 to Re. 1-9-4, during the six years of the post-Reform period the increase has been from Re. 1 11-1 to Rs 2-0-9. Moreover, out of Rs 2-14-2 representing the incidence of income per head of population, as much as Rs. 2-0-9 comes from taxation. In respect of expenditure, the scale is naturally fluctuating as a result of the outlay for such purposes as drainage, water-supply, etc., in a given year, but the growth there also is equally clear. On education there has been a steady growth during the lifetime of the new Boards, so much so that from Rs. 22,97,38 expended in 1923-24 the figure stood in 1926-27 at Rs. 29,75,89. Similarly in regard to roads, the rise in expenditure has been from Rs. 30,97,80 in 1923-24 to Rs. 41,92,82 in 1926-27. As a last test I may add that whereas during the six years since 1921-22 there have been but 13 cases of embezzlements, there were during the ten years (from 1911-12 to 1920 21) of the pre-Reform period over 43 such cases. Obviously, on these figures municipal administration does not emerge with the stigma so seriously cast upon it in the Report.

Let us now take the case of the District Boards. There too gross receipts have gone up since 1924-25, when the new Boards came into being, from Rs. 1,80,58,773 to Rs. 2,18,29,159 in 1926-27. The incidence of taxation stood in 1926-27 at Re. 0-4-3 per head of the rural population as against Re. 0-3-11 in 1924-25 and Re 0-1-2 in 1911-12. The incidence of income similarly stands to-day at Re. 0 7-8 as against Re. 0-6-1 in 1924-25 and Re. 0-2-2 in 1911-12. What

is more remarkable is the striking increase in expenditure on almost all the heads that affect public well-being so vitally as Education, Medical Relief and Water-supply. In regard to Education, expenditure, since the coming into existence of the new Boards, has gone up from Rs. 29,21,329 to Rs. 40,23,186 as against but Rs. 7,42,038 in 1911-12 and Rs. 18,95,537 in 1920-21, the year immediately preceding the Reforms. On Medical Relief expenditure has gone up from Rs. 14,32,895 in 1923-24 to Rs. 18,01,696 and on Water-supply from Rs. 1,65,000 to Rs. 4,97,000. This then is the position of our local self-governing bodies and the figures tell their own tale. Surely, all this result could not have been attained if the Boards or their executives had been all that as stated or suggested about them in the Report. I, therefore, maintain without any fear of contradiction that judging by the manner in which they have discharged their duties in respect of which Government's own testimonies quoted above should be conclusive, and by the progress effected by them in the departments of public well-being, as testified to by the figures quoted above, the verdict any reasonable and unbiassed person would come to is that far from the dark and dismal prognostications of the Governor-in-Council coming true, the chances are that they would be just the other way about I regard it, therefore, as absolutely reprehensible that a wholly unsustainable attack should have been made on the working of the post-Reform local self-governing bodies which, when analysed and tested by official figures themselves, falls like the proverbial pack of cards.

VIII.

It is time, however, to bring this statement to a close. But before doing so, I may briefly refer to its most objectionable feature, namely, a wholly unwarranted attack on the younger generation of Indian nationalists—many of whom are men of the highest educational qualifications, great strength of character and who have displayed a spirit of rare self-sacrifice in the cause of the country by refusing to crowd the already over-crowded public services or the legal profession and have dedicated their lives to public work. Far from any appreciative

reference being made to this class of public-workers, it is solemnly stated that "an ominous and disquieting sign of the times is the growth of a class of professional politicians—mostly raw youths—who take up politics as a livelihood," "many of them mere adventurers with no stake in the country," "irresponsible demagogues... ...already a danger" who "owing to the ignorance of the common electorate may bring about disastrous results," and so forth. I shall leave each reader to form his own opinion whether this is the language of statesmanship. Claiming, as I may justly do, a better and more intimate knowledge of the public life of this province than the authors of this Report, I must assert in unequivocal terms that the impression sought to be conveyed by these "choice and elegant" expressions has no substratum of truth. Even assuming, however, that it were otherwise, is the "professional politician" —whatever it may mean—necessarily any worse than the professional administrator or the "mere adventurer" in the field of politics than that in the sphere of administration? Was not the late Mr. Gokhale repeatedly called by his opponents a "professional politician"? I wish Sir Henry Wheeler were still here to impress upon his "successor-in-council"—what he was always justly insisting upon—that hard words break no bones and that in the discussion of public questions they should be studiously avoided. It is a great pity that even in a State document, the temptation to indulge in gibes and sneers against the Indian nationalist could not be resisted by even the Governor-in-Council of the province. I willingly concede that just as the public have the right to criticize reasonably the actions and the policy of the Government, so have the latter an equal right of fair comment on the activities of our public men. But if the use of intemperate language, misstatements of facts and unwarranted inferences are to be condemned in the writings in the press or the utterances on the platform, they are *mutatis mutandis* deserving of an equal, if not greater, censure in a State document. An emphatic protest must, therefore, be entered alike against the substance and the form of this Report. Argument upon the matter is to be desired but not invective, and in the opinion of all disinterested and unbiassed persons, qualified to judge of Indian

political conditions, there is so much reason to think that the Indian nationalist movement really represents the cultivated intelligence of the country and all that is patriotic in the land that those who, like the authors of this Report, try to misrepresent, discredit or ridicule it do harm more to the interests of Great Britain in India than to those of Indian nationalism itself, by bitterly wounding and alienating men who are fully justified in what they do, who do it in a reasonable and constitutional manner and who—if only prudence, foresight and imagination were found in the seats of the mighty—ought to be conciliated by being met even more than half-way. It is not suprising, therefore, that even the two Ministers were so shocked at the perusal of this Report that (though they were denied the opportunity of writing notes of dissent) they felt constrained to request H. E. the Governor to agree to the addition, to the last paragraph of the Report of the observation, that in their opinion "it is too pessimistic in tone and stresses too much political conditions that are transitory." They do not seem to have realized, however,—or if they did so, they have not cared to speak out their minds—that the Report has been so prepared in view of the appointment of the Statutory Commission, and that that is the only explanation of its having had imparted to it the spirit, tone and temper which are its distinguishing features and to but a few examples of which I have been able to touch upon in this statement. For the benefit of those who may feel sceptical about the matter, I would recall a notable passage from a memorable speech on India, delivered by Gladstone in the House of Commons, in 1883, in which that great statesman took a correct measure of the characteristics, mentality and attitude in public affairs of officialdom in this country. Said he :—"Their position is less favourable than ours for forming a comprehensive judgment, as they are doomed almost to narrow modes of examining those questions. They each of them look at themselves in relation to persons whom they feel to be inferior to themselves, and there is a tendency to indulge in a spirit of ascendancy which it is the business of this House to modify and check. This is not the first time that such a state of things has existed. Go back to the time when Indians began to

be entrusted with judicial function, go back to the time when the liberty of the press was enacted in India; go back to the time of Lord William Bentinck and Lord Macaulay. *And so it will be in the future.*" These words of the great Liberal leader display a profound political prescience and a keen insight into the realities of Indian political conditions, for though uttered nearly half a century back, they are as true to-day as when they were first spoken. And it is because the same "spirit of ascendancy" still dominates the Indian Administration in the matter of Reforms and political progress, as it did in the earlier days to which Gladstone referred, that I have felt it to be my duty to my country to prepare this statement to enable the reader to view the question from a correct perspective.

IV

THE BEGINNINGS OF DEMOCRACY IN INDIA.*

The Report of the Franchise Committee' not only deals with, and formulates proposals upon, some of the most intricate and momentous problems of Indian constitutional advance, but is embodied in a tome of nearly 300 pages—divided into twenty-two chapters, including a majority report, a minority report (or a 'minute of dissent' by three leading Indian members), a 'rejoinder' by the majority to the minority report, besides explanatory notes, qualifying declarations, mild and strong protests by individuals or groups of members, and also no less than eight important appendices! The results systematized and digested in the Report are based on the oral statements recorded of 311 witnesses examined by the Committee and of those of 73 others by the Provincial Committees, and also on 187 written statements received by the former, and 1,120 through the medium of the latter.

The Committee, therefore, evidently feel justified in making the observation that in regard to their recommendations, they 'can claim that they are based on a full examination of the field'. This is, of course, not wholly correct, for as admitted by Lord Lothian himself, shortly before his departure from India, the views represented by the Congress party did not at all come within the Committee's work of 'examination and enquiry'—whosoever's fault it might have been due to. In the circumstances, the contention that the Committee's recommendations were 'based on a full examination of the field' is obviously untenable, and their proposals thus lack that weight and definiteness, which otherwise could have been justly claimed for them. Nevertheless, the fact remains that unlike the Report of

---

* *A survey of the Report of the Indian Franchise Committee, 1932, originally contributed to the "Leader," Allahabad.*

the Simon Commission, that of the one presided over by Lord Lothian is based on a large volume of data and materials rendered available to it by the co-operation of all the political parties in the country—other than the Congress. That being so, he would be a bold man (except, of course, the editors of our dailies, who have got to do it) who would venture to express his views, on a Report of such composite and complex character, in a hurry. And though nearly three months have elapsed since its publication on the 3rd June 1932 it is with considerable diffidence that I am even now approaching the subject. I need scarcely add that I propose to confine myself to some of the salient features of the Report, which have struck me as deserving of special attention.

II.

Before, however, I comment on any of the specific proposals made by the Committee, it is but fair that I should present a broad survey—as briefly as I can—of what would be the net results of the acceptance of their recommendations These have, no doubt, appeared already in every newspaper and journal, but the matter is of so great an importance and tremendous a significance as to bear repetition, and I make no apology for recapitulating them, in my own way, in a summarised form. Now, as I understand the recommendations, they will (if accepted) lead to the broadening of the basis of the franchise, as follows :—(*a*) The electorate in the provinces (for the provincial legislatures), which stands now at about 71 lakhs, will be raised to 360 lakhs—or roughly to a little more than five times its present number—which will mean the enfranchisement of 14 per cent. of the total population of British India, and 43 per cent. of its adult male population ; (*b*) the electorate for the British Indian portion of the proposed federal legislature, which stands now at about 11½ lakhs, will be raised to more than that now existing for the provincial legislatures, that is to about 85 lakhs—or roughly to nearly eight times its present number—which will enfranchise 10 per cent.; of the male population, as against the existing one per cent., (*c*) the electorate for women, which stands now at less than three lakhs and a quarter, will be raised to 66 lakhs—or roughly to more

than twenty times its present number by reserving between 2 and 5 per cent. of the seats of the new provincial legislatures for women members, and thus securing to them about one-fifth of the new electoral roll for the provincial legislatures ; and (*d*) an appreciably large registration of the so-called depressed classes on the electoral rolls, a substantially increased representation of labour (38 seats in the provincial councils, as compared with 9 at present) and the continuance of the present special constituencies for the landed and the commercial interests and also for the representation of the universities. These recommendations, in my opinion, are the principal and striking features of the Franchise Committee's Report.

III.

But apart from the extent to which the Committee's recommendations will enfranchise adult Indian humanity—as summarized above—one should also take into account their proposals regarding the highly important questions of the qualifications for exercising the franchise, and the method of voting to be adopted at elections, to be able to appraise correctly the value of the system worked out by the Committee. And here I note with satisfaction that along with property qualification —which has been sufficiently lowered so as to include large numbers of landholders, tenants and rent-payers (both in urban and rural areas) and even considerable sections of the poorer classes—education has also been accepted, for the first time, I believe, as a credential for the exercise of the right of franchise, though it is to differ in its standard in the case of men and women voters : for instance, that in the case of the former—for the Federal Assembly—being the possession of the matriculation or the school-leaving certificate or its equivalent, while in that of the latter the attainment of education up to the upper primary standard. As regards the method of election, it is gratifying to note that it is to the 'direct,' as opposed to the indirect or the group system, which had the strong backing of the Marquess of Zetland and several other influential retired Anglo-Indian administrators, and which was strenuously agitated and pressed by some of the members of the

Committee during the examination of the witnesses. The group system, had it come to be embodied in the new Indian constitution, would have, in my opinion, led—except perhaps in the case of the central second chamber, the Senate—to disastrous consequences. I therefore opposed it emphatically, when invited by the Franchise Committee to appear before them at Patna, and I am naturally gratified by the rejection of this new-fangled scheme which was sought to be imported into the Indian election procedure from Syria and Turkey. Well, all's well that ends well.

IV.

Such being the broad and striking features of the recommendations in the Report, the question now is about the value of them—value in relation to the constitutional development that we all expect. Now, the value of any administrative, constitutional or political system cannot be properly adjudged except in relation to the object in view—that is, not so much the thing in itself, as its being capable of meeting the requirements of the situation for which it is devised. And here comes in the great difficulty of answering the question. I have formulated above—in view of the immense diversity of Indian public opinion, divided at present into that of various groups, sections and parties. The accredited leader (in Bombay) of one well-known political party has already sounded a note of alarm by issuing a statement to the effect that 'such a great extension by one jump (as proposed by the Franchise Committee) is, I am afraid, risky,' and that 'the transfer of power should in the beginning be to hands fitted to exercise the responsibility with wisdom and caution.' Well, 'wisdom and caution' are fine things, no doubt, but unfortunately they are not the inevitable concomitants of democracy anywhere, least of all in its incipient stage, and to wait till these two desirable and lovable characteristics are developed in the Indian masses, before they can be trusted to exercise the right of vote, would be to wait veritably till the Greek Kalends. It is, however, significant to note that the views so expressed have found no open support from the other prominent leaders of that party.

In striking contrast, however, to the 'wisdom and caution' school of thought, is the opinion given expression to by the avowed organs of the Congress party, and also by some of the independent section of the nationalist press, which generally—though not invariably—supports the views of the Congress school. One need not quote the comments of the Congress group, since they are all pledged to adult franchise, and the Report to them is thus the herald of—what one of them calls—a 'spurious Swaraj.' The journal, which uses that strikingly alliterative and picturesque phrase, bestows (naturally) the following glowing panegyric on the three authors of the minute of dissent (Messrs. Tambe, Chintamani and Bakhale), and emphasises the importance of its observations by printing the whole of it in italics:—"The three Indian Liberals—hopelessly conservative people all of them—want adult franchise in thirty years, and they could ask for it only in a minute of dissent.' I shall not have the impertinence to attempt to take away the effect of this comment—made all the more forceful in italics—as I am concerned with collating facts and not offering comments of my own, at this stage. I shall, therefore, leave it at that—that the above-quoted extract may be taken to represent the view of the avowed organs of the Congress school of thought. It is thus clear that the Congress party—if one may judge from the comments in their organs—will have none of the Report.

V.

Turning to the views of the independent section of the nationalist press—which is not necessarily committed to the support of Congress views, like the avowed organs of that party—one detects no unanimity on the value of the Committee's recommendations. The leading nationalist paper of Southern India is critical but not unappreciative, for it regards the Report as a 'record of work accomplished under very difficult and trying conditions'. As regards 'the manner and method of investigation' adopted by the committee, the *Hindu* pays a just tribute to the 'ability, skill and resources' of Lord Lothian, to whom (according to it) 'is due in so small degree the achievement of approximate agreement on the major issues.' While holding that the Committee have 'exag-

gerated the administrative difficulties' (in the matter of the introduction of adult franchise), it frankly concedes that 'nevertheless there is the fact that the number of votes is now proposed to be increased from seven to thirty-six millions,' while the proposals in regard to women's franchise constitute in the opinion of the *Hindu* 'a definite improvement on the present state of things.' Coming as they do from an advanced, independent and influential nationalist organ, these opinions have a distinct value and importance.

These views, however, do not seem to be shared by another independent and leading nationalist organ —the *Tribune* of Lahore—which thinks that the 'predominant feeling' evoked by the Report will be 'one of keen disappointment.' Its grounds for this view are stated as follows: 'There are only two real tests by which the Report can be judged. Does it make for democracy, and is it acceptable to representative Indian opinion? Both these questions must be answered in the negative.' The reasons urged in favour of this contention are that the number to be enfranchised—namely, 39 millions—'is substantially less than the maximum recommended by so inadequately representative a body as the Franchise Sub-Committee of the Round Table Conference, which was 25 per cent. of the population, as a whole.' Now I have not before me the Report of the Conference Sub-Committee and cannot, therefore, verify the statement about its recommendation, as stated by the *Tribune*, but it seems to me that (howsoever worded) it could only mean to fix the *maximum* (not necessarily the actual) at 25 per cent. of the population. Twenty-five per cent. of the total population would be about 64 millions, and would amount to nearly a half of the adult population. I am extremely doubtful if it was so large a number that they contemplated, with equanimity, for the first enfranchisement.

As regards the second question raised by the *Tribune* —which also it answers in the negative—namely, whether the Committee's recommendations will be 'acceptable to representative Indian opinion'—that is a subject on which there are bound to be legitimate differences of opinion, unless it be assumed that only the view of Congress party is to be regarded as

'representative Indian opinion.' That is not the view evidently of even the *Hindu*—to say nothing of several leading organs of other schools of thought, which are all, according to their lights, exponents of what they regard as 'representative Indian opinion' as rather a vague term, which in the present condition of political activities and public affairs in the country, is susceptible of different interpretations, according to the view of the votaries of the different schools of thought.

VI.

Though no constitutional problem is beyond human wisdom and resources, yet that of introducing forthwith adult franchise in this country is not quite so simple or feasible, as it is declared to be by some of the critics of the Franchise Committee's Report. The biggest self-governing democracy in the world to-day, the United States of America, has a total population of 122 millions, while the adult population only of British India would be 130 millions, out of a total of 257 millions. These figures speak for themselves. Our adult population of 130 millions, if enfranchised at once, would involve 'numbers which are far larger'—as stated in the Report under consideration—'than have ever been made the foundation for a democratically-governed state, in history.' This, though not a conclusive argument, is nonetheless one which cannot be lightly brushed aside, as is sought to be done by some. Whether it is an indigenous or a foreign government that is to wield the destinies of India in future, the introduction by it of adult franchise will have to be a question of reasonable time—if the new constitution is to develop on a sound and stable basis, and not collapse like a house of cards. Though literacy may not invariably imply the possession, on the part of a literate person, of political wisdom of a sort—as is perhaps unnecessarily emphasized by the authors of the Report—still it goes a long way in equipping a voter for the proper discharge of his duties in that capacity. That is evidenced by the Committee's own action in laying down an educational tests as one of the qualifications both for the man and woman voter, in future. In this view of the matter, the prevailing low standard of literacy in British India—barely 8 per cent.

of the total population—is naturally a great handicap which will have to be seriously tackled by the future Education Ministers in the provinces. Lastly, the administrative difficulty of organizing the elections of 130 millions of voters, all at once, can only be made light of by those who do not care to approach this problem in a serious spirit, probably for want of knowledge of the nature of the organisation required, the difficulties underlying the work to be done, the large amount of expenditure likely to be involved, and the extent of experience and capacity required on the part of officials, for the purpose of conducting smoothly the elections of what would be the largest enfranchised humanity in the world.

VII.

The net result of the discussion seems to be that (except on the points to some of which I shall presently refer) the scheme embodied in the Report should be accepted as a fairly reasonable one, by all who would not approach the problem of Indian enfranchisement either as more theorists or wedded to some preconceived notions, like that for instance, of the desirability of the immediate conferment of adult franchise. That is not to say, however, that the majority of the Committee were right in setting their face against the immediate introduction of adult franchise even where it was perfectly feasible and could be smoothly worked without causing administrative inconvenience, namely, in our large urban areas. In this respect the dissenting members did not, in my opinion, go far enough. They did suggest the extension of adult franchise to all the cities and towns with a minimum population of at least one lakh —they could have reasonably gone down to half a lakh—but they need not have proposed the alternative of adult franchise in provincial capitals only, as they have done. This, if accepted and strictly interpreted, would exclude an important urban area like Lucknow, besides fifteen other large cities in British India, with populations of more than one lakh. Here it is worth noting that Major Milner also supports 'the introduction of adult franchise in large towns'—not necessarily capitals—as 'both feasible and desirable,' and so does Mrs. Subbarayan

(page 199). The majority's reply on this point is hopelessly inconclusive and miserably perfunctory.

The recommendation of the Committee about the continuance of the special constituencies has also, naturally, evoked dissent from various quarters, both in this country and in Britain. Here it has been subjected to criticism particularly by the Muslim communalists, as affecting their interests, while curiously they have reiterated in the same breath their own claims to what would be practically special constituencies for them, based upon separate electorates. In London, Professor Laski has recorded his emphatic dissent from this recommendation in the Labour organ—the *Daily Herald*. There can be no doubt that special constituencies for interests, sections, classes and communities must disappear in course of time.

But even more forceful than those stated above are the objections that can reasonably be urged against the Committee's recommendations relating to the enfranchisement of the depressed classes and women. In my preliminary statement, attached to my replies to the Committee's questionnaire, I emphatically urged that if the constitution was to succeed, it should be so devised as not to have a disintegrating influence on Indian society, but should be rather on lines calculated to coalesce and weld together, into an integral whole, the present centrifugal factors, by methods of centripetalization. In this respect the recommendations of the majority are woefully disappointing, seriously objectionable, and require to be agitated against. As against the recommendation of the Simon Commission rejecting, for weighty reasons, separate electorates for the depressed classes so-called, the majority of the Lothian Committee have committed themselves to propositions which amount in effect to a reversal of the Simon scheme. Similarly, their recommendation to segregate women, as a separate depressed class, as it were, is likely to have, in the long run, a disastrously disintegrating influence on Indian society. As regards the depressed classes, it may be said with some show of reason that the spokesman on the Committee had made a strenuous demand for separate electorates, though it is equally clear that he

was not supported by other leaders, or the vast bulk of the depressed community, and Mahatma Gandhi was undoubtedly right in offering an uncompromising opposition to the proposal, at the Round Table Conference in London last year. The position taken by the Franchise Committee majority in this matter is obviously of no weight, since they have not cared to discuss—much less to prove the untenability of—the very cogent arguments urged by the Simon Commission against the extension of separate electorates to the depressed classes, and there is a deal of force in the complaint of their having disposed of this momentous matter, relating to the organic evolution of Hindu society, in almost a spirit of levity. It is to be earnestly hoped that Government will not accept this recommendation, in view of the declaration of so experienced and statesmanly an administrator as H. E. Sir Malcolm Hailey who (replying, at Almora, to an address from that section) expressed the view that he had no sympathy with that school which was attempting, for political purposes, to create a separate community of the depressed classes.

Even worse, to my mind, is the flippancy displayed by the majority in the way they have dealt with the question of women's franchise. As against their proposal to keep women voters in a state of eternal segregation, it is justly emphasized by the three dissenting Indian members that 'there was a strong and an almost unanimous expression of opinion by women witnesses that they did not want women representatives in the legislatures to be elected by any communal electorates.' This fact is also vouched for by Sir Mahomed Yakub, who has recorded in his note that 'the women have not themselves asked for any artificial qualifications, most of their representatives have strongly disapproved of the idea of creating any such qualifications, and have demanded that they should be given suffrage on equal terms with men.' But that is not all, as we find it recorded in the majority report itself that 'without exception the representatives of women's organizations and individual women witnesses demanded that the principle of equality between men and women should be the basis of the new constitution.' And yet, in the face of it all, they have recommended special measures

as they have done, forsooth, on the ground that otherwise there would not be a 'sufficient number' of women returned to the legislatures! The contention seems to be frivolous, when it is recalled that in Britain itself (where women outnumber men) there are at present but two women members returned to the House of Commons, out of a total of six hundred and fifteen. The Lothian majority argument need not, therefore, be pursued further, as the fact remains that, however flimsy a ground there may be in favour of the recommendation for separate electorates for depressed classes, there is none whatsoever in favour of making Indian women a class apart from Indian men. These two recommendations of the majority of the Committee constitute, therefore, in my opinion, the gravest defects in an otherwise, on the whole, commendable Report.

VIII.

This discussion has 'growed' (like Topsy) into a longer one than either I expected or intended it to be. But I cannot resist the temptation of referring to one other matter, which I regard as of considerable importance, and the omission of all reference to which—either in the majority or the minority report—is rather disappointing. I refer to the omission of the problem of creating in British India territorial divisions for administrative and electoral purposes analogous to the 'States' constituting the United States of America and other federal governments. The members of both the majority and minority groups seem to have proceeded on the assumption that a successful working of a democratic constitution in British India is not inconsistent with the maintenance of our present provincial administrations. If so, that is a wrong assumption. The United States population of 122 millions is grouped in no less than forty-nine States, with an average population of less than two millions and half, as against the 130 millions of the adult population only of British India, grouped in but nine provinces, with two of them with populations of about fifty millions each, and almost all of them larger in area and more populous than many European and American States. The proposition has to be thus stated to evoke careful consideration at the hands of all well-wishers of the success

of a democratic administration in this country. The result of basing the franchise scheme on the evident assumption of the continued existence of our present system of administration in provinces, is that the constituencies proposed under the scheme propounded in the Report are bound to be enormous areas, which for all practical purposes would render any personal contact or relations between them and their representatives absolutely impossible, for—as pointed out by the *Manchester Guardian* "constituencies whose area is measured in thousands of square miles are not easy to canvass." In a country so extensive as India—which in its area and population is really a sub-continent, and which for ages yet to come is likely to remain satisfied with inadequately developed communications—the only feasible method of making democracy a success is to make the electoral area so compact that it may be practicable for the representatives to establish close contact and personal relations with their constituents, which would be obviously impossible under the Lothian scheme. I shall not pursue this matter further, but I have felt justified in drawing attention to it in the hope that the question of 'states *versus* provinces' may evoke discussion in the press, so that in course of time, it may be brought within the range of practical politics. We must make up our minds from now, that if democracy is to succeed in India, our provinces must disappear and be replaced by numerous compact 'states'.

For the rest, it remains to emphasize that though Lord Lothian declared in the course of a speech, at Simla, that the Franchise Committee was ill-adapted, by reason of its highly composite personnel, for the object in view (as it had on it far too many advocates and partizans of special claims and interests) it is all the more gratifying that the result achieved has been, on the whole, fairly satisfactory. And I agree with the observation made in the course of his note by Major Milner, M. P., that 'the recommendations constitute an immense advance on the existing position,' as also that if 'a Committee so heterogeneous, both politically and racially, reaches approximate agreement on the major issue before it, its proposals must obviously carry great weight both with Parliament and the people of India.'

I agree, subject to the proviso that on points they have differed upon, the three dissenting Indian members have faithfully and truly represented the Indian nationalist standpoint and their opinions should, therefore, be given preference over those of the majority. These three members by inditing their carefully-prepared, cogent and well-reasoned minute of dissent have rendered a notable service to the country—though they be (as declared by the Indian journal quoted above) 'hopelessly conservative people all of them,' it must be borne in mind that nothing is useless in the economy of Nature—not even 'hopeless conservatives.' Nay, if only they be—as these three Indian members have proved themselves to be—patriotic, experienced, capable and tactful, they can render great and valuable services to their country, as has been done by Messrs. Tambe, Chintamani and Bakhale.

V

ABOLITION OF COMMISSIONERSHIPS.*

The question of the retention or the abolition of the office of the Commissioner is no longer an arguable one, of which it can be asserted that much may be said on both sides. In expressing my view in favour of abolition, I do not stand alone, for my views are fully shared by several Indians who have acquired administrative experience as members of Government, including (I believe) more than one Minister in our own province. That view is that the balance of advantage in these post-reform days lies in the abolition of the office of Commissioner in the interest of economical administration, which is urgently called for, as the five Commissionerships in Bihar and Orissa cost for their maintenance no less than over four lakhs of rupees, which is a considerable amount, in a poor province like ours. If it can be saved—without materially detracting from the efficiency of the revenue administration—it would be obviously the right thing to do, in these days of financial stringency and the many claimant demands for the development and progress in the nation-building departments, which have had to be starved lately for want of funds.

It would be obviously to the advantage of a provincial administration like ours—with a rigid, inexpansive and inelastic land revenue and a steadily diminishing excise income—if so large a sum (as roughly four lakhs) can be saved without affecting for the worse, the standard of efficiency which has been maintained so far. "*Prima facie*" there seems to me a consensus of opinion that it can be so done. Since the introduction of the Reforms in 1921, various Indian provinces constituted retrenchment committees to examine the question of

* *A speech delivered at a meeting of the Bihar and Orissa Legislative Council on the 13th March 1931.*

the savings that could be effected without substantially diminishing the standard of efficiency hitherto maintained in the administration. Reports are available, of these committees, of the provinces of Bengal, Bihar and Orissa, the Punjab, the Central Provinces and Bombay. It is noteworthy that all these committees—at any rate so far as their non-official members were concerned—recommended the abolition of the post of the Commissioner. This recommendation of the various retrenchment committees cannot be and should not be lightly set aside merely on the ground that a large number of their members were non-official Indians who did not possess any first-hand knowledge of the work of the Commissioner. Want of first-hand knowledge of what Commissioners actually do is a limitation which not only non-official Indians but even non-official Europeans (like Sir Campbell Rhodes—a member of the Bengal Retrenchment Committee, who was in favour of the abolition) are, for obvious reasons, bound to labour under, as it could in the nature of things be possessed only by one who has seen from inside the Government the nature of the work which the officer called the Commissioner has to do. At the same time, it would not be right to press this argument too far, for after all non-officials, specially lawyers and public men, frequently come in contact with the Commissioner in the discharge of not only his judicial duties but also his executive functions and they may be credited, therefore, with possessing an, on the whole, accurate knowledge of the work of the Commissioner and of his duties and responsibilities. I also find that the Central Provinces' Retrenchment Committees had for its President, Mr. F. S. A. Slocock, himself a Commissioner and afterwards an Executive Councillor, and presumably a recommendation for the abolition of the Commissioner's office, made with his concurrence should carry due weight. I say so, as I do not find any repudiation of this recommendation in any of Mr. Slocock's notes of dissent appeared to the Report in question.

History of the Office.

It is not necessary for my present purpose to go into the earlier history of the Commissioner's office and into the various stages of development through which it has

passed, from time to time, as full information on the subject is available at pages 168 to 187 of the first volume of the Report of the Royal Commission upon Decentralization in India, which was published in 1909. The statements about the functions of the Commissioner (as set forth in that Report) are neither inaccurate and perfunctory, nor too vague and general to be applicable to the details of their work in this province. Conceding that there may be minor differences in the various provinces (due to the existence of local laws and conditions) in the judicial and executive functions of the Commissioner, yet the statements about them in the Report of the Decentralization Commission are of sufficiently general application to all the British-Indian Provinces—except the fortunate province of Madras, where there have never been any Commissioners. I contend that the functions of the Commissioner, if properly redistributed, can be equally well exercised by other duly qualified revenue officers in this province. It is open to any to argue that such special conditions obtain in the various Commissionership of Bihar and Orissa that it will be inadvisable or impolitic to abolish the Commissioner's office in this province, and if such a contention is sustained, it will be entitled to due weight. This is an aspect of the question with which I shall deal later. But apart from any special conditions obtaining in Bihar and Orissa—which may be held to render the proposed abolition impracticable—I think it is a valid argument in favour of abolition that the work of the Commissioner (as set forth in the Decentralization Commission's Report) can be redistributed amongst other revenue officials, without any loss of efficiency, and a saving effected thereby of over four lakhs of rupees, in this impoverished province.

I shall now examine this aspect of the question in some detail and in doing so I shall unhesitatingly take my data from the observations on the subject in the Report of the Decentralization Commission. But in regard to the general duties of the Commissioners in Bihar and Orissa, I shall adopt the list set forth in a highly authoritative official document. That list is as follows:—

(a) General supervision over the whole land revenue system.

(*b*) Inspection at frequent intervals of subordinate revenue offices.

(*c*) Exercise of appellate and revisional jurisdiction in revenue cases.

(*d*) Management of Government Estates.

(*e*) Control of Wards and Encumbered Estates.

(*f*) Co-ordination of activities of various departments and the appeasing of inter-departmental jealousies.

(*g*) Acting as the chief executive representative of the Government specially in time of disturbances, etc.

Their Duties.

Now this is a comprehensive list of the Commissioners' duties in this province. But speaking from my own experience of the revenue administration of four North-Indian provinces (Bengal, Bihar and Orissa, Agra and the Punjab), I think, the functions of the Commissioner in Bihar and Orissa, as enumerated above, are almost of general application to the other three provinces and a perusal of the reports of the Retrenchment Committees of Bombay and the Central Provinces has satisfied me that they are equally applicable to those two provinces also. The question before us is whether all these functions of the Commissioner cannot be satisfactorily discharged by a judicious redistribution of them amongst the three other classes of revenue officers : (*a*) the Revenue Member of the Local Government, (*b*) the Member of the Board of Revenue and (*c*) the District Officer. There seems to me no valid reason why the Revenue Member of Government, the Member of the Board of Revenue, and the District Officers should not be able to discharge satisfactorily without any loss in the standard of efficiency and without any substantial change in the existing law or procedure, the functions of the Commissioner, as enumerated above, except the exercise of the appellate and revisional jurisdiction in revenue cases—a subject to which I shall advert presently. As a matter of fact, this is the system which has existed in the Madras Presidency for now much over a century, and I have nowhere

seen it stated by any competent authority that the Madras system has not worked as well—if not even better in the sense of being more economical—as that which obtains in the other British Indian provinces.

Revenue Cases.

In regard to the question of the exercise by the Commissioners of appellate and revisional jurisdiction in revenue cases, it is apprehended by some official apologists that if a curtailment of the existing rights be proposed, as the result of the abolition of the Commissioner, the revenue laws will have to be amended accordingly, and the proposals will not be popular as the attitude of the Legislative Council in the past has usually been in favour of extending rather than curtailing the right of appeal. This is certainly the case in regard to the appeals on the civil and criminal sides, for the curtailment of which efforts have been sometimes made in the past on the ostensible ground of simplifying the procedure, but I do not think this argument need be pressed in the matter of curtailing the right of appeal on the revenue side, which in Bihar and Orissa is admittedly on a far more extensive scale than that which obtains in the civil and the criminal courts of the province. There is no reason why if only one appeal on facts is allowed in the civil and criminal courts, there should be two such appeals allowed in the revenue courts, and it would be in the interest of the litigant public itself if the present system of hearing revenue appeals be modified and assimilated to that which obtains in the civil and criminal courts of the province. The original trials in revenue cases should continue to take place before Deputy Collectors (and even before specially qualified Sub-Duputy Collectors) with a right to appeal both on questions of fact and law to the District Officer (in his capacity as the Collector), whose findings of fact should be final. If a party be aggrieved by the appellate judgment, it should be open to him to move the Board of Revenue on questions of law alone, the latter right corrresponding to that of presenting to the High Court second appeals in civil cases and revisions in criminal cases. If the system be so modified, I venture to think that the non-official members of the Legislative Council will

welcome the proposal, the more so, as the curtailment of the present far too extensive right of appeal in revenue cases would substantially effect a reduction of expenditure by about four lakhs, by the abolition of the office of the Commissioner. With the necessary modifications of the laws relating to appeals and revisions in revenue cases and a judicious redistribution of the other functions of the Commissioner amongst the Revenue Member of the Local Government, the Board of Revenue, and the District Officer, there seems no valid reason why the duties at present discharged by the Commissioner should not be as efficiently performed by the three sets of the other Revenue Officers, mentioned above without the least falling-off in the standard of efficiency. The abolition of the Commissioners' Courts will clearly mean a saving to the litigant public. As regards the prospect delay in the disposal of the application the Board of Revenue, involving points of law, it could be obviated if the Member of the Board were to go on circuit, from time to time, as do our High Court judges when they go to Cuttack once a quarter.

Advice to officers.

Great importance is said to attach to the duties which the Commissioner is expected to discharge in connection with tendering advice to district officers and departmental heads, and also to Government itself. Presumably such an advice would be of all the greater weight if coming from the Member of the Board of Revenue—nor is there any reason why the Revenue Member of the Government himself should not in future take a more active part in co-ordinating the activities of the various revenue departments and in appeasing inter-departmental jealousies, if any. In regard to the objection that with the abolition of Commissioner, Government would lose the advantage of having senior officers to advise them, it may be said that the senior district officers, who would have become Commissioners, but for the abolition of that office, would be available to the Government for giving them such advice.

The last point which I would like to refer to in this connection is the Bombay system of revenue administration—in which though there are Commissioners, there

is no Board of Revenue—and its bearing on the present discussion. The opening lines of Chapter II (dealing with the Board of Revenue and Financial Commissioners) in the Report of the Royal Commission upon Decentralization in India (page 159) are as follows: "In all the major provinces except Bombay, there is a Board of Revenue or a Financial Commissioner, dealing under the Provincial Government, with all matters relating to revenue administration which are deemed to require the control of a headquarters' authority." The Bombay system is described at some length in the administration report of that province called "Bombay 1921-22," and I make no apology for quoting from it the following few lines: 'The revenue administration of the Presidency of Bombay is carried on by the following officers under Government: 4 Commissioners, 26 Collectors, 1 Deputy-Commissioner and a number of Assistant Collectors" (page 64). "The Revenue Commissioners exercise a general superintendence and control over the revenue administration of the Presidency" (page 65). The result we thus arrive at is that there are practically three systems of revenue administration in British India—the Madras system with a Board of Revenue but no Commissioners, the Bombay system with Commissioners but no Board of Revenue, and lastly, the system obtaining in all the other major provinces in which there are both a Board of Revenue and Commissioners. Now as the administration of the Madras and Bombay presidencies has never been regarded as backward or inefficient, but rather as progressive compared with the Upper-Indian provinces, and the late Mr. Gokhale always claimed superiority for the Bombay system over the others—it is clear on the face of it that where Commissioners are retained (as in Bombay) the Board of Revenne may safely be done away with, or in case there be a Board of Revenue (as in Madras) there need be no Commissioners. Viewed in this light one or other of the two sets of the Revenue Officers—the Members of the Board of Reveuue or the Commissioner—may justly be regarded as an administrative superfluity, and the question is which of the two should be dispensed with as most conducive to economy, and the least likely to retard efficiency of

administration. The balance of advantage, to my mind, clearly lies on the side of the abolition of Commissioners. For even assuming that the Board of Revenue may have to be strengthened in that case by the addition of another Member, the cost to be incurred thereby (along with that of the necessary expenditure which may be required for the strengthening of the Board's office) will be appreciably less than that of nearly four lakhs, which we are spending at present on the Commissioners and their offices and establishments.

Pre-Reforms Opinion.

In this connection, I think, I can with advantage refer once again to the Report of the Decentralization Commission. In view of the circumstances obtaining in 1908 (that is, even before the inauguration of the Morley-Minto Reforms) the Commission wrote (at page 162) as follows: "A number of witnesses considered that it was unnecessary to have a Board of Revenue in addition to Divisional Commissioners and that one or other of these should be abolished. With the Local Governments, constituted as at present, we do not consider that an extension of the present powers of Commissioners need, *per se* militate against the retention and usefulness of Boards of Revenue or Financial Commissioners. But if and when the Lieutenant-Governorships are, as we have already suggested, converted into Council Governments, we think that it will be desirable to make the Executive Councils sufficiently strong to absorb the existing Boards of Revenue or Financial Commissioners and to vest in the Government itself such functions now discharged by these as cannot expediently be made over to Commissioners. The head of the province would thus share the burden of responsibility with independent and experienced counsellors, who would be more useful in this capacity as dealing with a wider field of administration. At the same time the objections now raised against the re-duplication of work and the existence of two separate office establishments would be met. We are fortified in this opinion by the fact that a proposal of a similar character was put forward by the Board of Revenue in the United Provinces so long ago as 1893."

These emphatic observations of the Royal Commission clearly mean that the Boards of Revenue (or Financial Commissioners where they are so-called) could not be abolished in 1908, because at that time each of the Lieutenant-Governorships was presided over by a single administrator without any Executive Council to assist him, but that as soon as Executive Councils were established—which the Commission had strongly recommended—they suggested the abolition of the Boards of Revenue or the Financial Commissionerships and their absorption into the Executive Councils. This recommendation did not contemplate—it could not—the expansion of the then Local Governments into Council Governments with the further addition of Ministers (as now) for administering the transferred Departments, and is, therefore, in the existing circumstances, entitled to much greater weight and consideration. In this connection it should be prominently borne in mind that at the time when the first Executive Council was established in Bengal (which included at that time, 1909, not only West Bengal, but also Bihar and Orissa), the province of Eastern Bengal and Assam was administered by a Lieutenant-Governor without an Executive Council, and thus two Lieutenant-Governors and three Executive Councillors discharged all the executive functions in the areas now split up into the three provinces of Assam, Bengal, and Bihar and Orissa. The total strength of high executive officers now administering these three Provinces comprises three Governors, eight Executive Councillors and seven Ministers. In the circumstances, it stands to reason that the Executive Councillor who holds the revenue portfolio in each province can take a much larger share in the revenue administration of the province than before.

Board of Revenue.

Now an Executive Council for this province was established in August 1912. But the Board of Revenue —with its strength reduced by one—still remains. It is this aspect of the case which is justly regarded by Indian public opinion as a downright unjustifiable extravagance, and in the light of these facts there can be no two opinions that either the office and the

establishment of the Board of Revenue or that of the Commissioners must be considered, in this province, as wholly superfluous and unjustifiably extravagant. It is noteworthy in this connection that in spite of there being no Board of Revenue in Bombay, the Retrenchment Committee of that province recommended that the office of the Commissioner be abolished. The only question that can thus arise is which of these two can be made to disappear without detracting materially from the efficiency of the administration at the same time effecting the greatest possible economy. I hope I have established conclusively that the balance of advantage would lie in the abolition of the Commissionerships and the retention of the Board of Revenue, even strengthened, if necessary, by one more member. It is for these reasons that I have felt justified in bringing this motion before the Council.

But I have found it urged by the opponents of the proposed change that apart from the general considerations relating to the functions of the Commissioner, there are special reasons against the abolition of that officer in this province, due to purely local conditions obtaining in each of the five Divisions of Bihar and Orissa. Dealing with each of them specifically, it is sometimes stated that the Commissionership of Orissa cannot be abolished, as the Oriyas have no desire to be merged in Bihar, but on the contrary are strongly desirous that their separate interests should be recognised. Now, if I may claim to know anything about Orissa, it is this that the one thing above all others which the educated Oriyas have set their hearts upon and hankered after these many years, is the amalgamation of all the Oriya-speaking tracts (now divided amongst three or four provinces) and the constitution, of the whole of Oriya-speaking territories as a separate administrative unit. A Commissioner at Cuttack in charge of the present truncated Orissa Division seems to me to be no substitute for what the Oriyas desire, and I have grave and serious doubts whether they will insist on the expenditure of over Rs. 80,000 a year for the retention of the Commissioner and his office, who can in no sense be said to be the guardian of the separate interests, if any, of Orissa as against Bihar.

Welfare of Aborigines.

Similarly, it is stated that a Commissioner at Ranchi is necessary for the welfare of the aboriginal people of Chota Nagpur, as also for the settlement of problems of quite a peculiar kind due to the industrial development in that division. I regret, I cannot share this view. Having spent six summers consecutively at Ranchi and also made pretty extensive tours in the various districts of the Chota Nagpur division, I am satisfied that the differences often alleged to exist between the aboriginal and the non-aboriginal populations of the Chota Nagpur division are after all not such as to justify expenditure on a highly paid officer like the Commissioner and his staff. The chief strength of the British-Indian rule (as is often alleged) lies in its being pledged to pay equal regard to the welfare of all classes of His Majesty's subjects. I have seen no authoritative documents which may induce me to accept the view that either for the upholding of the alleged separate interests of Orissa, or the welfare of the aboriginal people of Chota Nagpur, Commissioners at Cuttack and Ranchi respectively may be regarded as essential in the official hierarchy of this province. As for the industrial development in the Singhbhum district of the Chota Nagpur division—located at Jamshedpur—there seems to me no reason why the District Officer and the Board of Revenue should not be able to exercise a watchful and sympathetic control over its nascent industries.

It is also sometimes urged that a Commissioner is necessary at Patna on account of the ever-present problem of cow-sacrifice at the time of Bakrid involving extreme tension of feelings between the Hindu and the Muhammadan communities That this is sometimes the case not only in the Patna Division but also unfortunately elsewhere in the province no one who knows the realities of life in India can deny, but I am not prepared to admit that the existence occasionally—or even (assuming for the sake of argument) permanently of such a tension is a justification for the retention of that absolutely superfluous commodity—namely, a Commissioner at Patna, or elsewhere, or that the work said to have been done in this connection by the Commissioners could not have been as effectively done by the District

Officers. The reference made in this connection to the Shahabad disturbances of 1917, cannot, in my opinion, be taken to support the view as to the utility of a Commissioner stationed at Patna, for in the first place those disturbances were singularly exceptional and would not lend themselves to generalization, and, secondly, the fact that in spite of the Commissioner being here, the disturbances were organized and occurred shows conclusively that even the Commissioner at Patna can do little or nothing when religious fanaticism is abroad. We have also this satisfaction that we are a fairly long way off now from the year 1917 and that exceptional incident should not be allowed to influence decision in a matter of great importance in the interest of economical administration.

It is next urged that in Tirhut Division there is even now a European planting community, and, therefore, there should be a controlling officer whom that community may ordinarily approach when they desire to communicate with Government. Now I have had the privilege of knowing personally during the last thirty years many of the leading non-official representatives of the Tirhut Division—some of them like Mr. Filgate were my friends with whom I could venture to claim even intimacy—and though their political views differ on many important questions from those of the educated Indians, they are (in the main) an enlightened and cultured community and do not at all require the services of any special controlling officer at Muzaffarpur for the purpose of enabling them to communicate with Government. I am aware that in the past there had been a considerable friction between some of them and certain classes of the tenantry. But since the enactment of the Agrarian Bill, during the administration of Sir Edward Gait, the relations between them had much improved, and the past relations have no bearing on current public affairs in the province—as is evidenced by the question having receded into the background of political controversy. Besides, the planting community is now represented in this Council and so their representative has direct access to Government and does not want an intermediary. I do not, therefore, see any justification for a Commissioner continuing to be

installed at Muzaffarpur, on any ground connected with the existence in Tirhut of the planting community.

Special Conditions.

The last point made with reference to the special conditions of this province, is in regard to Bhagalpur Division. It is said that the Commissioner of this Division is the court of appeal in civil and criminal cases from the Santal Parganas district and that, therefore, his being retained there is essential. Now the Santal Parganas system, specially on the judicial side, is a prolific source of discontent to the educated community in Bihar. It found emphatic expression in the debate on the resolution which was moved a few years back in this Council, and which was carried in spite of the strenuous opposition of Government. In view of this it is very unlikely that Government would be able to maintain for long the Santal Parganas system, under which the Commissioner of Bhagalpur is a court of appeal both in civil and criminal cases, from the Santal Parganas district. The sooner the Santal Parganas system, on the judicial side, is modified and assimilated to that obtaining in other districts of the Bhagalpur Division, the better it will be for all concerned and the continuance of the Commissioner at Bhagalpur will then at once become incapable of justification. For these reasons, I am of opinion that there are no such special conditions obtaining in any part of this province as may be held to justify conclusively the retention of the Commissioner in any of the five divisions of Bihar and Orissa.

I fear I have trespassed rather long on your patience, Mr. President, and on that of the Council, but my apology is the great importance of the subject and the large reduction of expenditure involved. I have tried to meet the objections of the opponents both on general and special grounds, and I venture to claim that I have made out a conclusive case for its careful consideration by Government. If they will promise to do so and to submit a despatch on the subject to the higher authorities representing our view, we non-official members will feel that Government have, for once, been sympathetic in their attitude towards us.

VI

INDIAN CONSTITUTIONAL REFORMS

Introductory.

In response to the invitation extended to me by the Joint Parliamentary Committee to express my views on the Indian Constitutional Reform proposals, as embodied in the White Paper, I submit this memorandum. In the absence of a questionnaire, it is possible for me to do so only in general terms. Nor is it practicable for me to cover the whole ground traversed in the White Paper—a closely-printed book of 119 pages, containing over two hundred paragraphs and many appendices. I have, therefore, attempted to concentrate in this statement mainly on matters relating to provincial administration, in respect of which I could claim to possess personal experience and knowledge, by reason of my long association with Indian public life and political activities (as a non official representative in the Imperial Legislative Council, and the Indian Legislative Assembly and the first elected Deputy President of the latter) and also an official, as the Finance and Judicial Member of the Government of Bihar and Orissa and President of its Legislative Council. Since 1930, I have been again in touch with the working of dyarchy, as an elected member of the Bihar and Orissa Legislative Council and the leader of the Opposition on behalf of the Constitutional Nationalist Party.

The White Paper Proposals and India.

The reception accorded by almost all the politically-minded classes and communities in India to the proposals embodied in the White Paper is, I dare say,

---

* *Being the full text of the memorandum submitted to the Joint Parliamentary Committee, London, on the 15th June 1933.*

known to the Joint Parliamentary Committee, and I need not, therefore, expatiate upon it. Still, the attitude of the people who have to work the proposed Reforms being of great importance, some reference to it may be permissible. The first legislative body to discuss the White Paper proposals was the Bihar and Orissa Legislative Council, and it unanimously adopted (the official members not taking part in the voting) a resolution worded as follows : "The scheme propounded by His Majesty's Government is, on the whole, unsatisfactory, confers but little power on the people of this province, is hedged in by numerous limitations opposed to the interests of India, indicates sweeping changes in the present and prospective system of judicature in India, and the scheme, as a whole, needs substantial modification." The above resolution was also unanimously passed at a meeting of the Working Committee of the United Bihar Party—an important political organisation of which the Hon'ble the Maharajadhiraja of Darbhanga is the President, and which was inaugurated in January 1933 "(*a*) to secure, as speedily as possible, by constitutional means and methods, the establishment within the Empire of full Dominion Status in India, and (*b*) to work the next instalment of reforms, provided complete provincial autonomy (in the sense of having in the provinces a system of Government under a constitutional Governor with a ministry responsible to the legislature) and also responsibility in the Central Government, subject to safeguards in the interest of India, be conferred by the same statute." Incidentally, the aims and objects of the United Bihar Party bring into prominent relief the trend of public opinion even amongst the conservative elements in the India of to-day, since the majority of the leading members of the said Party belong to the landholding classes.

But the White Paper proposals were not regarded disfavourably in the province of Bihar and Orissa only. Resolutions similar to that adopted by the Bihar and Orissa Legislative Council were passed by almost all the other provincial legislatures, and also—on the motion of Sir Abdul Rahim—in the Indian Legislative Assembly. The Indian view of the proposals in the

White Paper is well summarised in an instructive article, on the subject, in the latest issue (for June 1933) of the *Round Table*, from which I may make a few short extracts, as the writers in that famous periodical are justly believed to bring to bear upon the discussion of the subjects they deal with, so far as possible, an impartial mind—free from prejudice and prepossessions :—

"The vast majority of Indian politicians and political organisations of standing have vehemently denounced His Majesty's Government's proposals or portions of them."

"The White Paper scheme was also denounced by the various communal organisations."

"The majority of the Muslim newspapers also expressed disapproval of the scheme, the *Eastern Times* (of Lahore), for example—which is normally considered almost a pro-Government paper—declaring that 'the reforms outlined are unacceptable to politically-minded India, as a whole, and even these will not prove workable unless they are considerably modified in the light of popular opinion as expressed in the press and on the platform."

"Even the most moderate sections of Indian political opinion were genuinely disappointed with certain portions of the proposals."

"Even responsible European officials were heard to remark that so far as manner and phraseology were concerned, it could scarcely have been more offensive to Indian sentiment if it had been designed expressly for the purpose."

"Disappointment with the form of the document and with portions at least of its substance, was, therefore, genuine."

The opinion expressed above was also, I find, echoed in the course of the debate, on the subject, in the House of Lords, in the observations made by Lord Ponsonby, who referred to this aspect in the following terms : "What occurred to me as I read it (the White Paper) through was that the emphasis was wrong. The

emphasis seemed to be all on the safeguards, and not sufficiently on the grant of self-government. We seem to be taking away with one hand whatever we give with the other, and I think that that has been noticed very much by Indian opinion."

It is evident from the passages quoted above that the resolutions discussed or adopted in the various Indian Legislatures have made the position of the Indian constitutionalists quite clear. As put by Sir Alfred Watson—late editor of the (Calcutta) *Statesman*—in the course of a letter to a London daily, the "resolutions and speeches of various Indian bodies force home the fact that a body of opinion in India, generally regarded as moderate, is not satisfied with the White Paper proposals. The scheme of advance in the White Paper falls far short of Indian desires. The difficulty in India will be to secure upholders of (what are regarded) the wholly inadequate concessions to National feeling. We can certainly not better that position by offering less, and uniting the whole of India in a refusal to work the constitution."

I could not have put the Indian view better or more expressively than is done by Sir Alfred Watson. Keeping in mind the Indian view of the proposals embodied in the White Paper, I shall now make some suggestions—by no means exhaustive—on some only of them, with special reference to the system outlined for the provincial administration, of the working of which—under the present constitution—I may claim to possess some knowledge and experience. In making these suggestions—representing the Indian point of view—I am not without hope that they may ultimately be adopted, as we are told in the White Paper that "nor must it be assumed that the present proposals are in all respects so complete and final that a Bill would contain nothing which is not covered by this White Paper."

Federation.

The indefiniteness and uncertainty about the inauguration of the Federation should be, so far as possible, removed by a period of one year being fixed for the coming in of the Indian States—power to be reserved to

the Crown to extend the time by one year, if the requisite conditions are not fulfilled, and the inauguration to be by Proclamation, which should not be made dependent on the presentation by the two Houses of Parliament of a Joint Address praying for the issue of the Proclamation. Further, if the Reserve Bank cannot be established by 1935, *interim* financial arrangements should be provided so as not to block the inauguration of the Federation.

Following the recommendation of the Statutory Commission, there must also be provision in the constitution for its automatic growth (that is to say, a special machinery should be provided for the removal of the safeguards and the reservations, within a definite time), and its consequent expansion leading to India's status as a Dominion in the British Commonwealth of Nations—which should be declared in the Preamble to the Bill as the definite goal.

It should be definitely provided that the representatives of the Indian States in the Federal legislature shall not take part in purely British Indian matters, but only in those relating to the affairs of the country as a whole.

Fundamental rights must be laid down in the Statute itself, and not in the Proclamation or any other document.

General Administration.

The power of making ordinances to be vested in the Governor-General should be carefully defined, and no such power should be vested in the Governors.

If the provisions relating to the special Acts to be passed by the Governor-General or the Governor are retained, it should be enacted how they (the Acts) are to be amended or repealed by the legislature.

Neither in the Federal, nor in the provincial legislature, should there be power given to the Upper Chamber to restore a demand which has been rejected by the Lower House.

Second Chambers In Provinces.

The machinery for the abolition of the Second Chamber in the provinces should be made simpler, and

that for the establishment of a Second Chamber (where it is not to exist, at the start) more difficult of inauguration. This suggestion is based on the strength of the popular feeling against the establishment of a Second Chamber in the provincial legislature of Bihar and Orissa, in which, when the question was discussed (in January 1933), the voting was 39 in favour of the proposal for the establishment of a Second Chamber, and 30 against it. But the 39 voters in favour of the proposal included non-official members nominated by the Governor, and also one official; while those against the proposal were all elected representatives.

It cannot be held, therefore, that the province of Bihar and Orissa is either, as a whole, or even overwhelmingly in favour of a Second Chamber. It may be added that in the memorandum prepared by the Governor-in-Council (in Bihar and Orissa) for the guidance of the Statutory Commission, the proposal for the establishment of a Second Chamber was opposed both on the ground of expediency and economy—their estimate of the annual expenditure to be incurred being a lakh and a half (about £15,000). A Second Chamber in Bihar is desired mainly by the landholders, and would be, in my opinion, a useless and expensive luxury for an admittedly poor province.

Franchise.

The provisions made in the report of the Franchise Committee should be given effect to, in any case, Women's Franchise should be appreciably increased.

Judiciary.

The only change in the qualifications of the Chief Justices of the existing High Courts (and the other proposed Courts) should be that hereafter the said offices should be open not only to Barristers, or Scotch Advocates, but also to lawyers of Indian qualification, and it should be distinctly provided that the Chief Justice of the Federal, Supreme, and High Courts should always be one who has practised at the Bar. These offices should not be held—except temporarily as now—by the members of the Indian Civil

Service. This for the reason that though many members of the Indian Civil Service have distinguished themselves as administrators and executive officers and done useful, valuable, and excellent work in various spheres of activities other than judicial, they have not (except in a few instances) made their mark as Judges. It should be remembered that members of the Civil Service were made eligible for High Court Judgeships under the statute authorising the establishment of High Courts, over seventy years back, at a time when the Indian lawyers were not so highly qualified and efficient as now. There is, therefore, no justification for the changes proposed in favour of that Service. As regards the future administrative control over the High Courts—in the matter of appointments to the Bench, etc.—it is desirable that power in respect of it should be vested in the Government of India—as it is even now in regard to the High Court at Calcutta—and not in the Provincial Governments.

Railway Board.

The constitution and the functions of the Railway Board should be left to the Central Legislature, which only should have the power to control its policy and working. I am against the proposal to place it beyond the control of the Central Legislature.

The Army.

A statutory obligation should be laid on the Governor-General to expedite the Indianisation of the Army within a certain time, which need not be inelastic, and a programme prepared so as to complete the Indianisation within a defined period. It should be provided that the Indian Army should not be sent out of India for any purpose not connected with the defence of the country, except with the consent and approval of the Central Legislature. Further, it is important that the Indian Army should be thrown open to all classes of Indians, subject to their satisfying certain physical tests.

Commercial Safeguards.

Legislation of a discriminatory character should be challengeable only in the Federal Court. The Governor-

General, or the Governor, should not have the power of interference in the determination of this question. It is inexpedient that the head of the executive should be mixed up in any such matter. But the Legislature should be competent to subsidise provincial or national key industries—though not to enact statutes involving discriminatory legislation against the nationals of any country or State (of the British Commonwealth) which does not enforce statutory or administrative discrimination against Indians.

The All-India Public Services.

The powers now reserved to the Secretary of State in respect of the public services should be transferred to the Governor-General, and he should be assisted by a public Service Commission, the chairman and members of which shall be appointed by him.

While statutory protection should be given to the All-India Security Services in respect of their salaries and pensions, the recruitment of the services, in the future, should be in the hands of the Governor-General in respect of officers to be under the Government of India, and in that of the Governor in-Ministry in the provinces—the protection (referred to above) being dependent on whether or not the officer was recruited before 1919, as declared in the Government of India Act.

In respect of officers serving in the provinces, the ultimate aim should be to transfer the right of recruitment to the provinces themselves, as recommended by the Lee Commission, in paragraphs 14-15 of their Report, some extracts from which I am making below, in view of the great importance of the principle enunciated therein.

" In the transferred field the responsibility for administration rests on Ministers dependent on the confidence of Provincial Legislatures. It has been represented to us that although Ministers have been given full power to prescribe policy, they might be hampered in carrying it out by the limitations to their control over the All-India Services, inasmuch as members of these Services, unlike those of Provincial Services,

are appointed by the Secretary of State and cannot be dismissed except by him, whilst their salaries are not subject to the control of the Local Legislatures. Ministers themselves have told us that the All-India officers serving under them have, with negligible exceptions, given most loyal support in carrying out their policies, but the constitutional anomaly remains that the control over the transferred field contemplated by the framers of the Government of India Act has remained incomplete. Our proposals are framed to remedy this particular anomaly."

"We are not convinced that the risk attending the change is sufficient to outweigh the argument for carrying to a logical conclusion the constitutional change effected by the Government of India Act in this field of administration. We are accordingly of opinion that, for the purposes of Local Governments, no further recruitment should be made for the Indian Educational Service, the Indian Agricultural Service, and the Indian Veterinary Service, as at present constituted; for the Indian Forest Service in Bombay and Burma, and (subject to the arrangements set out in paragraph 40 of our Report) for the Roads and Buildings Branch of the Indian Service of Engineers. The personnel required for those branches of administration should in future be recruited and appointed by Local Governments."

It is not at all surprising if, in the light of the above recommendations, the proposals made in the White Paper have given a rude shock to Indian public opinion. The writer of the *Round Table* article, referred to above, records his view that "probably the part of the White Paper which was most strongly resented was that which dealt with the future control of and recruitment to the All-India Services. Criticism has been increasingly concentrated upon these provisions, and the speeches of some of the ablest and most respected Indians in the Legislative Assembly have demonstrated that Indian opinion, as a whole, considers the retention of control by the Secretary of State to the degree proposed, in principle, obnoxious and (so far as the White Paper scheme, as a whole, is concerned) logically unnecessary." It is in view of these grounds

—and more especially so of the principle accepted and recommended by the Lee Commission, so far back as 1924, and given effect to since—that the proposals made in the White Paper are being taken exception to. In my opinion, therefore, the Lee Commission principle should now be extended to all the Provincial Governments in respect of the recruitment of the public services for all the departments, the administration of which is transferred to the Ministers, who should exercise all powers over them in respect of promotions, transfer, and all other ordinary incidents of service.

In the case of future entrants also an appeal against orders prejudicial to their interest, passed by the Provincial Ministry, may be made appealable to the Governor—as a matter of expediency.

Excluded or Partially Excluded Areas.

The proposals made in the White Paper in regard to excluded or partially excluded areas have evoked not only great dissatisfaction, but also roused very grave apprehensions in the minds of large sections of the people in tracts at present administered as "scheduled" areas (under the Schedule Districts Act) or as "backward tracts" under Section 52-A (2) of the Government of India Act. I shall confine myself in this note to the proposals as they are likely to affect the province of Bihar—assuming that Orissa will be separated before long. Now the Santal Parganas District (of the Bhagalpur Division of Bihar) and the Chota Nagpur Division, as a whole, are treated at present as comparatively less advanced areas in certain administrative matters, but in all other respects—particularly in the matter of their representation and participation in the work of the provincial legislature by their elected members—they are on the same footing as the other parts of Bihar. If the proposals made in the White Paper be enacted, and on action being taken thereunder, the said areas be declared excluded or partially so, the people thereof will suffer very great hardship, labour under serious disabilities, and their administration also will deteriorate by the application of the rules about the prohibitions embodied in

section 109. As a matter of fact these tracts have been agitating for years past for the removal of the disabilities they labour under at present. So far back as February 1927, a resolution was moved, on the subject, in the Indian Legislative Assembly, by a non-official member, which was adopted. A similar resolution was also adopted last February, in the Bihar and Orissa Legislative Council, in spite of Government's opposition to its adoption. If it be said that the proposals as to excluded, or partially excluded, areas are conceived in the interest of the backward peoples—like the aboriginal tribes—that contention is not borne out by the proceedings of the public meetings held at Ranchi and elsewhere, under the presidentship of Rai Sahib Dulu Manki—the acknowledged leader of the aboriginals, whom he represented in the Bihar and Orissa Legislative Council—some of the resolutions passed at which I extract below, to make clear their position in regard to these proposals, which are being resisted equally strenuously by the non-aboriginal and advanced population inhabiting those tracts—which (in spite of aboriginal population) take the second place, in Bihar, in point of literacy. The resolutions passed at the public meetings of the aborigines of the Chota Nagpur Division are as follow :

1. That this meeting is strongly of opinion that the propsals embodied in the White Paper are likely to prove highly detriment to the interest of the aborigines, if accepted in the new constitution.

2. That this meeting is of opinion that the provisions of paragraph 109 of the White Paper are not only contrary to the letter and spirit of any kind of reform on the line of self rule, but it contemplates to positively deprive the people even of the rights and privileges enjoyed by them according to the existing constitution, and it is strongly urged that that paragraph be entirely deleted from the White Paper.

3. That this meeting is of opinion that the aborigines strongly resist the contemplation of the proposal, if any, to place the Singhbhum district among the excluded areas, or partially excluded areas, and any action along the proposal will compel the entire aboriginal

population to protest against any such proposal with the utmost emphasis at their command.

As, therefore, the aboriginal and the non-aboriginal elements in the population of these tracts are both united in resisting the proposals as to the exclusion or partial exclusion of such areas, it would be a wise course, in my opinion, to leave things (at any rate in the province of Bihar) as they are at present, and not to place their people under the prohibitions laid down in section 109. The Chota Nagpur Landholders' Association have prepared (and, I believe, submitted) a memorandum on the subject to the Round Table Conference, to which reference may be made in this connection, if necessary.

In view of the dissatisfaction and alarm these proposals have evoked, I submit that they should not be enacted, and that only the limitations now imposed under the Government of India Act be, for the time being, retained. But if some areas' needs must be declared excluded, or partially so, then I would suggest that before His Majesty's Order in Council is promulgated, the proposal for either their total or partial exclusion should be placed before the provincial legislature to enable it to express its views thereon. This will enable Government to ascertain definitely the trend of public opinion on the subject, especially of the representatives, of the areas proposed to be wholly or partially excluded. This proposal—about the discussion of the matter in the provincial legislature concerned—should be specifically provided for in the Statute as it is one of very great concern to large sections of His Majesty's Indian subjects.

The Proposed Province of Orissa.

As the mover of the resolution in the Imperial Legislative Council in February 1920, urging the formation of a province of Orissa, as a separate administrative unit I welcome the announcement in the White Paper on the subject. But the boundaries of the new province (as indicated in a footnote, at page 44) have proved highly disappointing to all Oriyas. Though not an Oriya myself, I claim familiarity with the subject, both as a native of the province of Bihar and Orissa, and also as an

assessor of the Orissa Boundary Committee of 1931-2. That Committee consisted of a retired Civilian as its President, and of two Indian members—one a member of the Council of State representing Bombay, and the other a member of the Legislative Assembly representing Assam. Beharees, Telugus and Oriyas were also associated with the Committee, through their representatives as assessors. Except on one or two points, the report of the Committee was unanimous. Now in dealing with outlying areas (like those concerned in the formation of the proposed province of Orissa) where various races are intermingled, it is not possible to proceed on any scientific principles, but only to act on the rule of the balance of general advantage and convenience. Judged in this light it seems to me that the Parliamentary Committee should accept the boundaries suggested in the Report by the Members of the Orissa Boundary Committee, either unanimously or by a majority. The Committee comprised of three independent men, who could have no prepossessions in the matter, and the best solution of the difficulty will be to accept their recommendations (in regard to the boundaries of the new province) which were either made by them unanimously or by a majority. The attempt to go behind the recommendations —as made in the White Paper—is bound to be a legitimate cause of the dissatisfaction to all Oriyas; for whose benefit the new province is to be created. They are not likely to remain satisfied with a truncated province, and the constitution of a separate Orissa (with the boundaries proposed in the White Paper) will be a source of very great dissatisfaction to them. It seems to me, therefore, that the best course is to accept the recommendations of the Orissa Boundary Committee, made either unanimously or by a majority.

The Special Powers of the Governor.

The proposals made in the White Paper for vesting Governors with what may be called extraordinary powers, in respect of their special responsibilities, have naturally evoked criticism in India. These proposed powers are printed at page 46 in section 70, and are seven in number. Of these, three [Clauses (*e*) (*f*) and (*g*)] are purely consequential. I have devoted above a separate

section to the policy underlying clause (*f*), namely, that dealing with the creation of excluded or partially excluded areas. As regards (*g*)—securing the execution of the orders of the Governor-General—no comment is called for, so long as the relations between the Governor-General and the Governor are to continue as proposed in the White Paper. In regard to (*e*)—the protection of the rights of any Indian State—this clause is obviously intended to deal with the infringement of rights possessed by Indian States either under their treaties, or in pursuance of their relationship with the Crown.

The other four clauses of section 70 are, however, not consequential, like the three mentioned above. Clause (*d*)--the prevention of commercial discrimination bears upon a very important subject. The controversy relating thereto is mainly confined to the procedure to be adopted for obtaining relief by the aggrieved party—namely, whether through the medium of the judiciary, or the head of the provincial executive. On a careful consideration of the matter, I would suggest that in the interest of the administration itself, it would be inexpedient to vest the Governor with any such power, and that any relief in the matter of commercial discrimination should be had by the claimant only in the Courts—the Federal Court or the other higher tribunals. It is clearly undesirable and inexpedient to mix up the head of the executive with any such controversies.

It should also be made clear that any relief in regard to commercial discrimination can be obtainable only by the nationals of such countries of the British Commonwealth of Nations as deal with His Majesty's Indian subjects on the principle of reciprocity, and by those of no other countries or States.

Clause (*c*)—dealing with the special responsibilities of the Governor in respect of " securing to the members of the public services of any rights provided for them by the Constitution and safeguarding of their legitimate interests"—seems to me to be too broadly put and should, in my opinion, be more clearly stated. In so far as the object of the clause is to secure protection

for the existing services in respect of their salaries, pensions, etc., which may be guaranteed to them by the Constitution—keeping in mind the provision of the Government of India Act on this subject—there can be no objection to the Governor being vested with the power to see to its enforcement. At the same time the character and extent of such rights should be carefully defined and laid down in the Statute. But the expression " legitimate rights "—used in clauses (*c*) and (*b*) in this section—seems to me loosely worded, and is likely to give rise to many administrative difficulties by reason of its indefiniteness. If the expression stands for " the rights provided for them (that is, the services) by the Constitution," then it is obviously redundant. If, on the contrary, it means more than that, then its exact significance and scope should be explicitly stated, alike in the interests of the Services themselves, as in that of the smooth working of the provincial administration, and the relations between the Governor and the Ministry or the Legislature.

In Clause (*b*) the use of the same expression " legitimate rights "—while open to the same objections as set out above—may lead to even graver consequences, as the effect of the action taken by a Governor under this clause will have a bearing on the relations of large sections of the public in a province—appreciably larger than that affected by any action under clause (*c*) in the matter of the public services. It seems to me, therefore, highly expedient that what might be deemed as the rights of the minorities should be specifically defined in the Constitution. One great advantage of the course suggested above would be that in that case it would be open to the minorities to obtain judicial relief more easily than otherwise, while the Governor may be made liable to appeal in the case of purely administrative matters. In the absence of any such specific statement of the rights of the minorities, it is likely that there may arise, from time to time, serious trouble in the administration due to conflicts between the Ministry and the Legislature on the one hand, and the Governor on the other.

Lastly, clause (*a*) vesting the Governor with powers for " the prevention of any grave menace to the peace

and tranquillity of the province or any part thereof," seems to me to be much too wide in its scope, and indefinite in justifying any action that may be taken by the Governor under it. I think that the words of the clause in Government of India Act relating to the circumstances in which the Governor-General or a Governor can override the decision of the majority of the Executive Council (in the interest of peace and tranquillity) are sufficiently comprehensive for attaining the object in view. It is suggested that clause *(a)* be, therefore, revised and its object be clearly defined, and limited by the addition, at the end of it, of some such words as "resulting from or likely to result from the activities of one or more persons tending to the commission of crimes of violence."

Having dealt briefly with the proposed executive powers of the Governor, I may now advert, in passing, to the legislative powers to be vested in him, which are not possessed by him at present. It is proposed, I find, to vest him with two legislative powers—that of enacting a "Governor's Act," and that of promulgating ordinances. The procedure proposed for the former is analogous to that for certification (vested in the Governor-General under Sec. 57-B). I submit that the proposals for vesting legislative authority in a Governor, as also that for arresting the progress of Bills during their passage in legislature, should not find a place in the scheme of provincial autonomy. Far from conducing to the smooth working of the Constitution, they will lead to friction between the head of the executive and the legislature, disorganise the policy and work of the ministry, and have a highly disruptive influence on the formation of political parties in the provincial legislatures. Nor does there seem to be any valid reason for vesting the Governor with the power of issuing ordinances. So far no difficulty has been experienced for want of any such power in the Governors, and there is no reason why the ordinance-making powers should not continue to be vested in the Governor-General alone. Also, there should be no change, in the language of section 72 of the Government of India Act, so far as the circumstance justifying the issue of an ordinance is concerned. The exercise of this very extraordinary

power should be strictly limited to circumstances constituting a case of grave emergency. Nor should the Governor be authorised to issue an ordinance even at the instance of the Ministry. If a Ministry is not capable of carrying on its administration without getting the Governor to issue ordinances, the sooner it is replaced by another, the better it will be alike for provincial autonomy and efficient administration.

The Provincial Executive.

The constitution of the provincial executive should be so framed as to be wholly free from the inherent disabilities of the system of dyarchy--in other words, there should be no reservation in the administration of any department, as is the case now in the major Indian provinces, known in common parlance as "the reserved" and "the transferred" sides of the provincial Government. In this view of the matter the departments of law and order should come under the control of the provincial Ministry, just as much as other departments of the provincial administration. I put forward this suggestion with some confidence after having seen from within the working of the Provincial Administration of Bihar and Orissa, for a period of more than five years, and having watched the almost insuperable difficulties which both sides of the administration had to face by reason of the arbitrary and artificial division of Government—which is, and must be, in the nature of things, one integral whole, if it is at all to work smoothly and efficiently, and which cannot be, therefore, divided vertically without detriment. I am confirmed in the correctness of my view by reading the remarks of Lord Lytton, made by him in the House of Lords on 4th April 1933, in the course of his speech on the White Paper proposals. Speaking with his practical experience (as the Governor of Bengal) of the working of dyarchy in that province, he said: "This system of divided responsibility which is a feature of dyarchy in the provincial governments of India (and which to some extent, it is proposed to introduce into the Government of India) is neither an efficient safeguard of those interests which you desire to preserve, nor a good training for responsible government." As regards the

objection, frequently urged by the opponents of the proposed transfer of law and order to Indian Ministers. I may quote Lord Lytton again from the same speech: "When I say that dyarchy was a failure, I do not mean, as I sometimes hear it stated, that the transferred departments were badly administered. That was not my experience. I do not mean that Indian Ministers were less competent." "In the Province of which I was Governor the same men who served as Ministers were," said Lord Lytton, "afterwards, in several cases selected by the Governor to be his Executive Councillors. I have been unable to detect any difference in their administration whether they were acting as Ministers or as Executive Councillors. It was not the administration, it was the Parliamentry responsibility which was at fault. Under this system the relations between the Executive and the Legislature were not harmonious. Ministers were not regarded, as they were intended to be regarded, as representatives of popular opinion. My experience was that the reserved half of Government was disliked, but that it was respected, whereas the transferred half of Government was not only disliked, but it was despised."

I would endorse, as the result of my own experience of the working of dyarchy in Bihar and Orissa, the correctness of the view expressed by Lord Lytton. The principal causes which have led to the provincial Ministries being regarded disfavourably by the legislatures, and the Indian public at large, have been (*a*) their failure to evolve ministerial parties by reason of their utter dependence on the Governor's nominated blocks (of officials and non-officials) for support in carrying out their work in the transferred departments, (*b*) the non-acceptance by the Governors (except perhaps in Madras) of the principle of joint responsibility in the ministry, and dealing with each Minister separately, and so over-ruling him, from time to time, (*c*) the Governors generally choosing as his Ministers "safe" men, though without any following, and retaining them in office with the aid of the nominated block, and (*d*) the Governors sometimes discouraging a Minister from resigning his office, when it was obviously called for by constitutional convention and practice.

If, therefore, provincial autonomy is now to be a success, not only should there be no reservation of any department, but the joint responsibility of the Ministry should be specifically and clearly laid down in the Statute, and the Governors should be directed—in their Instruments of Instruction—to encourage and conform to constitutional conventions and practice their relations with the Ministry. I am fortified in my view, that there should no longer exist a reserved side in the provincial Governments, by the observation made in the House of Lords by the Lord Chairman of this Committee—the Marquess of Linlithgow—in the course of the discussion on this subject, when he said : "I do not see myself how you can have self-government (in the provinces), unless you do transfer what is called 'law and order.' " Indeed, provincial autonomy without law and order would, I submit, be a contradiction in terms.

Concluding Submissions : "Responsibility."

I have touched upon but a few of the important matters dealt with in the White Paper as it is obviously impossible to discuss all of them without making a statement of this character oppressively long. I have made in the earlier part some extracts, from responsible sources to indicate the nature of the reception which its proposals have obtained in India. I would venture to urge, with great respect, that the Indian view of the proposals in the White Paper is not the result of any inherent prejudice or incompetence to judge of the merits of the constitution proposed in it, for even so great an organ of British public opinion as the *Manchester Guardian* (writing editorially, in its issue of 6th June 1933) is apprehensive "that it might not be easy to rebut an argument that the new Indian constitution cannot but fail because the White Paper proposals are too cautious to secure wholehearted Indian co-operation, or to create a genuine sense of responsibility"—being "considerably below the expectations of the most reasonable Indian Moderates." I, therefore, earnestly hope that the scheme will emerge from the Parliamentary Committee in a form which may make it acceptable to the Indian public by appealing particularly to their imagination. In his *Government and*

Parties in Continental Europe (vol. i. p. 103) that distinguished American authority, Professor Lowell, after analysing the constitutions of various Continental States, remarks that the result of his analysis shows that "the foundation of government is faith, not reason," and this all-important factor is obviously even more applicable to Eastern than to Western countries. But that is not all. For, "if" (as remarked by the late Viscount Bryce in his monumental work on *The American Commonwealth*, vol. i., p. 357) "the true value of a political contrivance resides not in its integrity, but its adaptation to the temper and circumstance of the people for whom it is designed." then there can be no hesitation in saying that the proposals for the future constitution of India should be so framed as will appeal to the "faith," or the imagination, of the vast bulk of the politically-minded classes in that country, who have to work the constitution in a spirit of faith and hope to derive the greatest benefit therefrom. The objection, often urged, against the extension of self-government to Indians on the score of their—so to say—innate "irresponsibility," seems to me to rest on an untenable ground. If certain classes in India are irresponsible, it is absolutely so for want of opportunities to learn responsibility in the affairs of the State. For, as put by the Chairman of the Indian Franchise Committee—the Marquess of Lothian—in the House of Lords "responsibility is the only way of developing political manhood. We criticise the irresponsibility of India. It is a marvel to me when I consider how long irresponsible legislators have been confronted with irremovable Executives that the Legislatures of India are as responsible as they are. If you are going to develop political capacity in India, as in this country or any other country, you will do so only if you put real responsibility on the backs of the Indian people. And it is just as important to develop knowledge and responsibility at the Centre, as it is in the Provinces. If you develop irresponsible Provinces, they will make the working of the Centre impossible." These sentiments, which express the Indian view, are not sentimental, but are supported by administrators of Indian experience. The same point of view was emphasised,

in the course of the same debate, by the Marquess of Zetland—a distinguished ex-Governor of Bengal, who said : " In India, as in other countries. public men are far more likely to show a sense of responsibility in their actions if you make it possible for them to accept responsibility than if you withhold that responsibility from them," for " great change is brought about in the outlook of man when once you put him in a position of real responsibility, and it is for that reason largely that I have gradually--not easily, but gradually, and none-the-less with conviction—come to the conclusion that by far your safest course is to grant a measure of responsibility not only in the provinces but at the centre." I commend these highly forceful observations in support of my submissions to the Joint Parliamentary Committee, on whose labours would rert the future constitution of India and the welfare of his Majesty's Indian subjects.

VII

THE WHITE PAPER SCHEME. *

To-day's meeting of the Bihar and Orissa Legislative Council is perhaps the most momentous that has been held ever since its inauguration in 1921. To-day, for the first time in its history, we have met to discuss the proposals of His Majesty's Government in regard to the future political status of our great and historic country. Not only that, but this Council will be the first legislature which will discuss the scheme outlined in the White Paper, and as such our responsibility is obviously very great. I have no doubt all my elected non-official colleagues realize it as well as I do. We have to examine the scheme, as a whole, and consider its likely results alike on the present condition and the future of our province in particular and the country in general. But the proposals sketched in the White Paper are far too many to be covered in one single speech. I shall, therefore, but attempt to invite attention to its salient features. One important question —namely, the proposed establishment of a second chamber for this province—I shall not discuss at all, since we had a full-dress debate on the subject last January. The views of the supporters and the opponents of the proposal are printed in our proceedings, and the voting shows that sixty-nine Hon'ble Members took part in it—thirty Indian non-official elected members voting against the proposal, while six nominated non-officials, one ex-officio Indian member, two elected European and thirty elected Indian members supporting it. There it must rest, for the present. With these preliminary observations, I shall now place before you, Sir, my submissions on the amendment I have tabled.

Speech made in moving an amendment to the Hon'ble the Finance Member's motion in the Bihar and Orissa Legislative Council at Patna, on 22nd March 1933 that the White Paper be taken into consideration.

Speaking at the British Commonweath Labour Conference (held in London, on 2nd July, 1928, while the Simon Commission were still carrying on their investigations,) the Rt. Hon'ble Ramsay Macdonald—the present Prime Minister—said :—"I hope that within a period of months rather than years, there will be a new Dominion added to the Commonwealth of our nations, a Dominion of another race, a Dominion that will find self-respect as an equal within this Commonwealth. I refer to India." Later, in the same year, the then Viceroy (Lord Irwin) declared in a notable viceregal statement that Dominion Status for India was implicit in the declaration made by the late Mr. Montagu, in the House of Commons in August, 1917. At the end of the first Round Table Conference, Mr. Macdonald practically re-affirmed his earlier declaration. In addressing you, therefore, to-day, Sir, and keeping in mind those statements of Mr. Macdonald and Lord Irwin, the first thing I shall say is that it is strikingly significant that there is absolutely no reference in the White Paper to Dominion Status for India, even as a remote ideal, and the expression is conspicuous only by reason of its absence, in this document of 119 pages, 202 paragraphs and numerous appendices, and that tells its own tale. The omission is evidently deliberate, and is but one more example of Lord Lytton's famous description of the British Government's settled policy towards India—namely, "of breaking to the heart the words of promise they had uttered to the ear".

Another point of omission, on which Indian opinion has always been insistent and keen, is that of the inclusion of the fundamental rights of the subject in the Act itself. All that is promised about it in the White Paper is that the Royal Proclamation, at the time of inaugurating the new Constitution—whenever that may be—will mention some or a few of these rights—but which some or few, it will never be known till the Proclamation is made. Both these matters are of great import, and the omission of any reference to them seriously detracts from the value of the scheme propounded in the White Paper. I hope it is not too late even now to reconsider the question of embodying the fundamental rights of the subject in the Act itself—the

two principal points in which should be declarations about the personal liberty of the subject—except by the operation of the order of a competent court--and about guaranteeing the security of title to property.

Coming now to matters which are specifically mentioned, I may begin with the Home Government of India. And the first question is, whether under the proposed Constitution India will cease to be governed—as she has hitherto been—from Whitehall, at any rate, in her internal civil administration. The answer is an emphatic "no," for in wholesale defiance of the clamant and unanimous demand of the politically-minded classes in the country for its abolition, the office of the Secretary of State for India is to remain intact and his Council also will continue to exist, (though in reduced strength), and he will continue to exercise powers both in regard to the public services and other vitally important matters, which would be utterly inconsistent with the rudiments of responsible government. The Secretary of State for India will remain in office with full powers of superintendence, direction and control over a very wide range of matters, by no means relating to that of paramountcy over the Indian States, or relations with foreign countries, or the defence of India. In spite of an insistent demand to that effect, it does not even seem to have been considered that India should be hereafter under the control of the Secretary of State for Dominions Affairs And as for that cave of Adullam, that sleepy hollow, the India Council itself, the abolition of which had been regularly urged ever since so far back as 1885, by the first session of the National Congress, it will still be there,—reduced in size and called by another name—to continue to thwart India's constitutional progress. We are for the vesting of control over the administration of India in the Dominions Affairs Secretary, the abolition of the India Office, and the transfer of all other matters to the High Commissioner for India. And yet all these matters are totally ignored by the authors of the scheme propounded in the White Paper.

In this connection—namely that of the retention of the Secretary of State for India in Council—the proposals regarding the continued recruitment of and

control over the two all-India services, even in the so-called autonomous provinces, may well give a rude shock to the most moderate Indian reformer or public man. Continued recruitment in Britain by the Indian Secretary of State, control over the all-India officers by him, special privileges to them in many matters, scant consideration for the country's financial capacity to bear their burden, these, Sir, are but a few of the many objectionable features of the proposals regarding the all-India services. Not only will the recruitment of the Indian Civil and the Police Services continue as now, but it is definitely provided that the existing members of those Services, and also future entrants, will continue to enjoy their present service rights including the right to be dismissed by no authority lower than the Secretary of State, and the right of appeal to him in all matters affecting their position and their interests. This provision or safeguard—call it what you will—brings into relief the wholly nebulous character of the responsibility that is proposed to be granted to India, even in the provinces, which (it is said) are going to be autonomous administration! What is worse, even the present ratio of British to Indian recruitment in their ranks is on no account to be disturbed, but will remain as it is fixed at present. It is stated that these provisions are to remain in force, in the first instance, for five years, at the end of which the advisability of their revision is to form the subject of a statutory enquiry. The decision on the result of the enquiry is to be taken by the British Cabinet subject to the vote of Parliament. In the meantime, the Provincial Ministers are to be compelled to administer their departments with officers over whom they will be unable to exercise any control. They will be unable to abolish any superfluous posts held by Civilians, or to keep them in abeyance for more than three months, or to revise or reduce the salaries or allowance attached to them. They can not even order their postings or transfer without the approval of the Governor, to say nothing of censuring them. A glorious provincial autonomy that will undoubtedly be!

I shall now discuss the much-belauded proposed Federation in the Central Government. It is stipulated, to begin with, as a condition precedent to the establish-

ment of the Federation that Indian States with half the aggregate population of the total, and entitled to at least 50 per cent. of the seats reserved for the States in the Upper Chamber of the Federal Legislature, should have agreed to join the Federation. But that is not all. Another new term imposed is the establishment of the Reserve Bank as a condition precedent to the grant of federal responsibility. And the conditions of the successful establishment and operation of such a Bank as laid down are that the Indian budgetary position should be assured, that the existing short term debt (both here and in London) should be substantially reduced, that adequate reserves should have been accumulated and that India's normal export surplus should have been restored. Thus the Bank is not likely to be an accomplished fact if any of those difficult conditions remain unfulfilled and who does not know, Sir, that they will depend to a large extent on the economic situation of the world ? And so for the inauguration of central responsibility, we have to wait not only on the whims of the princes, but also on improved economic condition throughout the world ! Supposing, however, all these well nigh insurmountable difficulties are got over, even then the Federation will not come into existence automatically, for the immaculate White Paper contains for the first time another new stipulation, that " the federation shall be brought into being by Royal Proclamation, but that the Proclamation shall not be issued until both Houses of Parliament have presented on the Address to the Crown with a prayer for its promulgation "! In other words, the federation, apart from the other by no means easy conditions precedent to its inauguration, is to be made absolutely contingent on a further approval of the British Parliament. Thus it is clear that the so-called " single Act " show—about which there was so much pother last year—is a mere camouflage, for even a child can see that the insistence on the fresh parliamentary sanction makes the entire scheme of Federation and central responsibility " hang in the mid air "—may be until the crack of doom. Thus it is literally a case of *hanoz Dilli dur ast*—" Delhi is yet distant,"—and even the topmost storey of the Kutub Minar is not yet in view.

Let us now examine the powers which will be vested in the Governor-General, powers of various kinds—

reserved, special, discretionary, executive, legislatory and ordinancatory—if I may coin a word to express what we all clearly understand. The proposals made about them in the pretentious White Paper fully justify the conclusion that the powers of the Governor-General, and also of the Governors under the new Constitution, would reduce all central responsibility, or provincial autonomy, to a travesty of constitutional government. In the administration of three very important departments—Defence, External Affairs and Ecclesiastical—the Governor-General will be assisted by three "counsellors," whose salary and conditions of service will be prescribed by His Majesty in Council, and who will be appointed by the Governor-General himself, "who will not be (God bless him!) in any way restricted in his choice of these counsellors!" The unanimous demand of the progressive Indian representatives at the Round Table Conference that the Defence Minister should be selected from among the elected members of the Legislature, has thus been totally ignored and brushed aside. Outside these three departments the special powers and responsibilities of the Governor-General are so extensive and discretionary as to make any system of responsible Government, even in the transferred sphere, extremely unworkable on constitutional lines, by reason of the arbitrary powers of control proposed to be vested in that truly exalted administrator.

Next to Defence, the most important subject in the central government would undoubtedly be Finance. In regard to it, Sir Samuel Hoare more than once almost histrionically declared that there was no meaning in responsible Government for India which did not include responsibility for finance. Good, but what financial power is it proposed to be transferred to the future Finance Minister and to the central legislature? The answer is—"next to nothing," for it is obvious that more than eighty per cent. of the Government of India's revenues will not at all be dealt with by the future Finance Minister, while he will only have power to do so in the case of the remaining 20 per cent.—that too subject to restrictions of a most embarrassing, if not of a humiliating, character. The Finance Minister of the Federation, therefore, is not likely to present an edifying

spectacle in the central legislature. A word may be said here as to the nature of the numerous safeguards which hedge in almost all the proposals. The Irwin-Gandhi settlement distinctly laid down that the safeguards were to be such as would be " in the interests of India". These words " in the interests of India " are highly important. But the White Paper says that they " have been framed in the common interests of India and the United Kingdom ". This statement is undoubtedly true in regard to Britain, but I have failed to find any which can be justly said to be conceived " in the interests of India ". The actual safeguards and reservations incorporated in the White Paper, so far from being such, are almost all of them utterly incompatible with, if not completely detrimental to Indian interests. This is so obvious that even he who runs may read.

I now come to the question of the very loudly trumpeted proposal of provincial autonomy. Here again, inasmuch as provincial autonomy and federation are naturally inextricably bound up, there is no certainty even as regards the date of the inauguration of provincial autonomy. In support of my view I would draw your attention, Sir, to the following passage in the White Paper :—' If financial, economic or political conditions were such as to render it impracticable to start the new Federal and Provincial Governments on a stable basis, it would inevitably be necessary to reconsider the position and determine in the light of the then circumstances what course should be pursued ". These ominous and sinister words are calculated to prove a wet blanket to the ardour and enthusiasm for constitutional progress of even so incorrigible a political optimist as myself. Assuming however that provincial autonomy—all going well—might be inaugurated within a reasonable length of time, let us see whether the Governor at the helm of the provincial government will be, in any sense, a constitutional administrator.

Now the special responsibilities of the Governor are to be mainly identical with those of the Governor-General. It is further provided that if the advice which the Governor will receive from his Ministers is in conflict with the instruction received by him from

the Governor-General, the latter is to prevail over the former and the poor Minister with his brushed-aside advice may go to the wall. In the Legislative sphere the Governor-General, and the Governor alike, will have the power to take action notwithstanding an adverse vote in the Legislature, and also to arrest the course of discussion of measures. Not only all that, but they will be able to make laws on their own authority irrespective of the wishes of the central or the provincial Legislature, in addition to the Governor-General exercising his present power of issuing ordinances, a power which is now for the first time extended to the Governors of the so-called autonomous provinces. Thus like the Governor-General, the Governors also will not only have allowance, but also definite and affirmative powers of legislation, including the right to promulgate ordinances and to pass Acts on their own responsibility. The vesting of such despotic powers in the provincial Governors would make the new system a highly retrograde one, as compared with the system of administration we are living under at present.

Turning to the financial administration of the provinces, we find that besides large items of expenditure such as salaries and allowance of Governors, of Ministers,—yes, of Ministers too, strange as it may sound—as well as the salaries and pensions payable to certain members of the public services and to their dependants, any other sums payable to such persons will not be submitted to the vote of the Lower Chamber The Governors will decide finally and conclusively whether a particular item of expenditure falls within this prohibited list. Thus making allowance for the capacity of the English language to conceal thought, it would seem that it is the Governors, and not the Ministers, who it is proposed should ultimately and practically control the administration of the important departments of law and order and finance and also influence the policy and the activities of the Provincial Ministers—far from being a constitutional governor and accepting the guidance of the Ministers in the work of adminstration. I may also note, in passing, that there is no clear and specific declaration as to the joint responsibility of Ministers, in the absence of

which they will become but the dependants of the Governor, to whom they will owe their appointment!

I shall now deal with the proposals for the new judicature—central and provincial—that is for the Federal, the Supreme and the High Courts. Well, the changes suggested in this connection are, indeed, staggeringly sweeping. The restriction of only one-third of representation of the Civil Service on a High Court bench is to go by the board, and further still, a member of that impeccable body is, for the first time, in the history of British rule in India, made eligible to be even the permanent Chief Justice of a High Court. So it is now within the range of possibility that of a fine morning the officially declared "sturdy loyal people" of Bihar may awake to find the highest judicial tribunal in the province manned completely by the members of the Indian Civil Service! This is no imaginary fear, for only a few years back, the Local Government had so arranged things that out of a total of eleven judges in the Patna High Court, there were as many as five Civilians—because the restriction of one-third applies only to permanent judgeships. When, however, I found our government determined to appoint one more Civilian—making six out of eleven—I got the matter agitated in the Assembly, and the then Home Member was forced to admit that it would be out of all proportion. Hence it was that the late Mr. Jyotirmayi Chatterji was elevated to the Bench. I leave it to the House to imagine the result of such a disastrous policy as is now proposed. What the country demanded was that the highest judicial tribunals should be filled by practising lawyers—mainly qualified Indians—and they should no longer have on their Benches persons drawn from what is primarily an executive service, and the response made is that in future the latter may even monopolise the Bench not only of the High Courts, but also of the proposed Federal and the Supreme Courts. This is a veritable instance of asking for bread and having a cartload of stones forced down your throat? I have no hesitation in maintaining that the changes proposed for the judicature—if carried out—will seriously affect for the worse the independence and the integrity of the highest judicial tribunals—

central and provincial—and will shatter the confidence of the public in those institutions.

And now what of the future? One of the most persistent demands of the Indians has been for an arrangement in the new constitution for its automatic growth and development, so that India might not have to perpetually depend upon the passing whims of the British Parliament. But this just and reasonable demand is met by a total omission of any such provision in the proposed Act. It is perfectly clear that it will be absolutely impossible to remove the more irksome safeguards and galling reservations except by a fresh appeal to the British Parliament and by the passage by it of an amending Act. The constitution will not be open to amendment by any Indian legistature, except perhaps in a few minor matters, and India will still have to go on clamouring and shouting for political reforms at the doors of the British Parliament, and to receive in return repulses and buffets, which may lead to intensive agitation with its inevitable concomitants—breaches of the peace, followed by repression and yet more repression—as now.

Lastly, it is to be remembered that the Act is to be called the Constitution Act, and not the Dominion Status of India Act. This is, to my mind, in itself highly significant. In the result India is to continue as but a dependency of Britain with her national self-respect humiliated, and not as an equal, or even as a nearly equal partner, in what is grandiloquently described as the Commonwealth of Free Nations, of which Britain is the hub and centre. Not only every incident of political subjection will still be a stern reality under the proposed constitution, as it is at present, but that it will be intensified to a degree. This is the one outstanding fact in the proposed scheme and there is no gainsaying it, and no explaining it away. After having given the subject my most careful consideration, I am definitely of opinion that the scheme propounded in the White Paper is in essence more reactionary than even the much-condemned recommendations of the Simon Commission, which frankly advocated only provincial autonomy and no central responsibility, but the former was practically unfettered and not hedged in by the highly irritating,

annoying and unworkable limitations and safeguards which are now sought to be introduced in the new constitution—both at the centre and in the provinces—and which, if enacted, would amount to a complete negation of India's legitimate hopes, ambitions and aspirations. Judged, therefore, by that one crucial and supreme test as to the extent to which the new constitution will transfer power to the people of this country, the White Paper justifies the worst misgiving which Nationalist political opinion had come to apprehend. It is a document frankly based on mistrust alike of the character and the capacity of the people of India, and a liberalized and progressive system might lead to the elimination of vested British interests. It is, therefore, our conviction that far from being an improvement, it worsens our position as compared with even the present standard of our political and constitutional attainment.

Regarding and surveying the proposed system as a whole, I can but express my view of it in the words I have quoted once before in this Council, but which will bear repetition, namely, which Mr. Asquith used of a similar constitution proposed for Ireland. Said that great and distinguished statesman : " For the hybrid system which the Government is about to set up, a system which pretends to be that which it is not, and is not what it pretends to be, there is inevitably reserved the inexorable sentence which, history shows, must fall on every form of political imposture ". That is the justest verdict that can be pronounced on the scheme outlined in the White Paper. Far from being—as stated in some quarters—a deed of ' abdication ', on the part of Britain, in relation to India, the system sought to be installed would perpetuate British domination in this country, enthrone pure and unadulterated autocracy and render the people far more helpless to resist the despotism of the new Government than they are even at present. And yet English is so resourceful a language and our British fellow-subjects are so wonderfully " cute and clever " that they have seriously made these proposals in the name of advancing the liberty of India and breaking the chains of her people. The only question is, will India swallow the bait ? I hope, not !

It is stated in the White Paper that the proposals are yet technically tentative, and subject to amendment

and modification, and it is nerved by the conviction that they may yet be substantially improved and rendered acceptable that I have felt justified in criticising them at some length, to the best of my lights. I have spoken of the attitude of the British Government not in anger, but in sorrow. Even after more than a hundred and fifty years of close association with us, they have failed to understand Indian psychology. They still believe in trying or hoping to appease us by throwing down a handful of crumbs from their luxurious tables. They have not appreciated the lesson underlying the story in one of Mr. Anthony Hope's novels, where a merchant impressed upon his daughter: "Jenny, my girl, if you give, give handsomely. If you do not feel inclined to give handsomely, do not give at all." I have said above that the White Paper scheme betrays a lamentable distrust of Indian capacity and character in relation to political freedom. Macaulay in his well-known essay on *Milton* condemned such an attitude on the part of politicians who held and hold that "no people ought to be free till they are fit to use their freedom". "This maxim", wrote Macaulay, "is worthy of the fool who resolved not to go into water till he had learnt to swim", for "if men are to wait for liberty till they become wise and good in slavery, they may indeed wait for ever". And that distinguished essayist, famous historian and the first Law Member of India, re-iterated the truism that "there is only one cure for the evils which freedom produces, and that cure is freedom". Years later, Mr. Gladstone declared, on a memorable occasion, that "it is liberty alone which fits men for liberty. This proposition is far safer than the counter-doctrine, 'wait till they are fit'". It would therefore, be surprising if politically-minded India, which has learnt from long British association and an intimate study of English literature this great lesson, will at all be satisfied with the White Paper scheme. On the contrary, when the country finds that it has been emphatically condemned by even such one time prominent, keen and enthusiastic Round Tablers as the Rt. Hon. Srinivasa Sastri, Mr. Jinnah, Mr. Shaukat Ali, Sir Muhammad Iqbal, Mr. Jayakar and several others, it will naturally follow their lead and guidance in this matter. Far from there following in

its train any political appeasement or any general satisfaction and contentment, it will aggravate the already difficult situation in this country, intensify discontent and widespead struggle for freedom, deepen serious unrest, beget bitterness of strife, and generate acerbity and ill-will even where they do not exist at present. And all this and much more—very much worse than what it is at present—is sure to come about because the so-called National Government, but really Tory to the core, do not seem to have realized that what India needs to-day is not the policeman's baton or the soldier's bayonet, but the soundest statesmanship, the greatest wisdom and the highest courage—accompanied by the deepest and most genuine sympathy for India's hopes and aspirations. And so while the British Government are yet cogitating, pausing, hesitating, concocting and soliloquising "to give or not to give."

> The Moving Finger writes ; and having writ,
> Moves on : nor all thy piety nor wit,
> Shall lure it back to cancel half a line,
> Nor all thy tears wash out a word of it.

VIII

PUBLIC SAFETY BILL.*

(A.)

Sir,—I would like to say a few words in connection with the Hon'ble Mr. Whitty's motion that the Bill, he has introduced this morning, be referred to a Select Committee This Bill is the Hon'ble Mr. Whitty's New Year's gift to this Council, and I regard it as such. My view is absolutely clear that there is no justification for Government to have come in with this Bill to-day. My reason is this. As the Hon'ble Mr. Whitty himself pointed out only last month, the Assembly and the Council of State enacted legislation, popularly known as the Ordinance Act, in which are embodied a large number of most drastic and reactionary provisions placing curtailment on the legitimate liberty of British Indian subjects. If it be said that the times are abnormal, and some restrictive legislation was necessary, then that legislation has been already put on the statute book, and applies to Bihar and Orissa equally with the rest of British India. In the face of that fact, the Hon'ble Mr. Whitty has taken a great responsibility upon himself in trying to make out that there is further room for additional legislation in this province, for supplementing the already very draconian sections of the Government of India Act, passed last month, which apply to this province and to other British Indian provinces. Mr. Whitty tried to justify his Bill on the ground that the Government of India have declared that provincial legislatures and provincial Governments might also supplement the All-India legislation already placed upon the statute book, by bringing in measures with special regard to local conditions. I suppose the

---

* *Speech made opposing the reference of the Public Safety Bill to a Select Committee, at the Bihar and Orissa Legislative Council at Patna, on 16th January 1933.*

Bill framed by Mr. Whitty, as the Political Member of this Government, is in pursuance of the view that this Bill must be framed with regard to the local conditions of Bihar and Orissa. Now I want to test Mr. Whitty's statement whether it is borne out by the measure before us. I turn to Chapter V and find "Punishment for participating in mock funeral ceremony." Section II says: "Whoever with intent to annoy any person, or with the knowledge that annoyance is likely to be caused to any person performs or takes part in or abets the performance of any mock ceremonies, resembling any ceremony associated with or consequent upon death, shall be punishable with imprisonment which may extend to six months or with fine, or with both."

Can anybody seriously say that in this province of Bihar and Orissa such mock funeral ceremonies have been taking place on so extensive a scale or (not to use the word "extensive") on so large a scale, or, to modify that language, on a fairly large scale that it is necessary for Government to have come before us to-day to seek our co-operation and support in a matter like this. I am not quite sure, as I could not catch all that the Hon'ble Member said this morning. What he said was about a mock ceremony of some Marwari being performed. Now if I heard him aright, assume for the sake of argument, that at a particular place a particular Marwari who, for aught I know, might be a very obnoxious individual and might have courted unpopularity, was so treated. But because at a particular place a particular Marwari's mock funeral ceremony was conducted, is that a ground for a Section being embodied in this Bill making it penal? Mr. Whitty reminds me of the clergyman, who, on board a steamer was called upon to baptize a British baby, and who remained convinced all his life that all British babies were snub-nosed, because that baby was snub-nosed! Because there had been a few such cases, therefore, it should be made penal in the whole of Bihar and Orissa! I have never used strong language in describing or characterising a section like that. But it seems to me it is really making a sport of this Council to ask us to sanction legislation of this character. I have seen in a

certain section of the newspaper press that the most unpopular people of this province are one or both of the two Ministers? Had there been the least truth in that, I should have expected a mock funeral ceremony of one of them, and Government then coming forward to declare that it should be made penal. I have taken it as an example only to show that this Bill is not based upon sound considerations, but that its provisions are really based upon only one consideration, which suits the official temper, to have as much executive power to deal with the people as officialdom can possibly grab at.

Mr. Whitty knows that perhaps in a year's time there will be a new Council elected, based upon a fairly wide franchise. He knows as well as we all do, that will mean the disappearance of the Executive Council, and the Hon'ble Mr. Whitty will retire after having served his King and this country for 35 long years—I would not say unwept, unhonoured and unsung, - but mourned by a large number of his friends and admirers of whom I am the most devoted to him. But what consolation will he take with him is his retirement, if he leaves a legacy of this character to the new Council? Have the new Government asked Mr. Whitty to put it on the statute book? Cannot they look after themselves? In this connection I am reminded of a certain passage in which Lord Morley wrote to Lord Minto as follows:—"You need not say good morrow to the devil until you meet him." But it seems that Mr. Whitty is out to say good morning to the devil before he has met him. At the present moment, he has told us that the conditions are more or less normal, the situation is well in hand, that law and order prevailed throughout the province. But he says he wants to ensure absolute peace! Is there any country in the world which has absolute peace all the time? Have you not read the reports in the British press of riots and disturbances in England, of late, and also in various European countries, on a large scale? Has any Government in Europe come forward recently to introduce such legislation, as is going to be enacted now in this Council, in spite of the highly repressive measure

placed on the statute book by the Government of India only last month? I maintain that there is absolutely no justification for such a course.

Again, Mr. Whitty is out to establish peace in this country by means of this Bill not for a year, or six months, but for all time! He does not place a time limit in his Bill. He is out to establish peace in this province till the millennium, by means of his Bill. If you would look into the Bill enacted last month by the Government of India, you will find that they have placed three years' limitation to that measure. I remember that about 25 years back, when I was a member of the Imperial Legislative Council, and the first Press Act was enacted in 1910, the Government of India placed a time limit to that Bill. Even an admirer of Mr. Whitty's Bill, who supported that it be referred to a Select Committee, pointed out the great defect of the Bill, that there is no time limit in it. I hope Mr. Whitty will accept the suggestion of this Council. Whatever other modifications he may not make, he should agree to place a time limit. If that is not done, the peace that Mr. Whitty will have succeeded in establishing, in this province, will be the peace of the grave, where there is absolutely no disturbance whatsoever. He may be anxious to do so, but we do not desire that in this province the Government should establish the peace of the grave. Mr. Whitty is out to convert Bihar and Orissa into a kind of a planet like the moon, absolutely dead, absolutely lifeless, with no stirring of any kind—that is the kind of peace he wants. Is there any hon'ble member, who wants that kind of peace or the peace that we desire—the peace that obtains on the planet Earth—that is peace, but accompanied with volcanic eruptions, from time to time, with murmuring and roarings of waves and winds—at the same time sufficient peace, to carry on everyday work in this world. I, therefore, cannot sympathise with Mr. Whitty's conception of peaee. Mr. Whitty knows that we, who sit on these benches are as much opposed to mass movements of a subversive character as he is. But we cannot permit Government in the name of law and order to filch away from the British Indian subjects in this country the valued rights of liberty, personal

liberty and public liberty, which are the greatest gift of the British rule to the people of India and which has made the people of this country so deeply attached and devoted to the person and the throne of their King-Emperor. The Hon'ble Mr. Whitty, therefore, when he brings in a measure like this, is really trying to cut the ground from under the feet of the loyalists.

I hope, Sir, I have said enough to show that this legislation is very very drastic. It should be limited in the first place to as short a period as possible—not more than a year—by which time let us assume that the new Government will come into being, and that it will then fall to the lot of the new Home Member of that Government, whoever he may be, to undertake the task. If the situation even then demands repressive legislation, I am sure the Home Member of Bihar and Orissa in the year 1934-35, under the new Reformed Government, would be the first person to introduce such legislation as might be necessary. Secondly, I hope the Select Committee will soften the measure, so far as is possible. I may be permitted to state that the Hon'ble Mr. Whitty did me the honour of inviting me to sit on the Committee, but, as I told him, after reading the Bill carefully, I found that it was so beautifully repressive, and so well designed to crush human liberties in this province, that it would be a pity to attempt to modify it! I hope, however, that, in spite of those features he will see his way to accept such amendments as would be brought by the non-official members in the Select Committee. I stand in the way of the Bill going to the Select Committee, since I think that it will not serve any useful purpose, for it is impossible to improve this legislation, as it is absolutely drastic and draconian, and the only thing that you can possibly do, is to limit it to as short a period as possible. I, therefore, oppose the motion before the House.

(B.)*

Sir,—I rise to oppose the Hon'ble Mr. Whitty's motion that the Bill as amended by the Select Committee, be passed. The question, raised by the motion, is whether Government should be permitted to arm itself in advance of any prospective political constitution, with a drastic penal legislation which, with a view to make subversive movements impossible in future, would place in the meantime admittedly serious shackles on the liberties of the subject. Bearing in mind that there is already on the Statute Book a draconian Act, passed but a few weeks back by the Assembly which applies to this province also—the provisions of which very seriously curtailed the liberties of the King Emperor's subjects in the matter of association for public purposes, and expression of opinion either on the platform or through the medium of the press—I have not the least doubt that the question admits of but one answer, which is that it should not be allowed to be done. It may be that in spite of these highly repressive measures we may enjoy some freedom, but liberty which can only be enjoyed by sufferance of the Executive is, I am satisfied, no liberty at all. That is my reply to the Hon'ble Mr. Whitty in regard to his pretty frequently—made observation as to how a well-behaved and law-abiding subject is any the worse for such repressive legislation. But I need not rest my contention on the opinion of so humble an individual as myself. I would invite Mr. Whitty's attention to the classic reply given long since, by one of the greatest of statesmen, Edmund Burke, who declared that the plea that a law would be seldom used, or would not be abused, was not a valid defence if it was bad in itself, and that the possession

---

* *Speech made at the Bihar and Orissa Legislative Council, at Patna, on 1st February 1933, opposing the passage of the Public Safety Bill at the final stage.*

of such power by any executive authority was an inevitable temptation to which no authority should be ever exposed.

Blowing Hot and Cold.

It is for this clear and cogent reason that the official plea (about law-abiding citizens having nothing to fear from repressive laws) makes no impression on the mind of the politically-minded section of the Indian public. If the civil disobedience movement is by now brought under control, or even if the Government has "got it in hand," (as Mr. Whitty claims), there is then no justification for the enactment of such a highly repressive legislative measure as the Bill under consideration. But we are asked by Mr. Whitty to believe that the moment the Government takes its foot off the throat of the Congress party, the civil disobedience movement will rise phoenix-like from its ashes, and lawlessness will again raise its head. The unedifying spectacle that we thus behold is that in one breath we are told by Mr. Whitty that the moment is dead or dying, or definitely under control, and in the next, we are assured by him of "the determination of the supporters of the movement to carry it on and defy the Government"—a typical example that of Mr. Whitty's blowing hot and cold in the same breath It is a pity that the bureaucratic mind of Mr Whitty is unable to come to a definite conclusion on this crucial and important point. If (as Mr. Whitty assured us when introducing this Bill) steps are going to be taken before long to initiate a democratic system of government in this country, the existence of repressive measures is hardly likely to create that calm and favourable atmosphere for the discussion and the working of the Reforms, which essentially requires not only the willing acquiescence but the co-operation of the very people, whom the Government is now seeking to repress by these irritating measures. The moral is thus obvious that in their own interest, as much as in that of the people, those who are about to introduce constitutional reforms, if they expect them to succeed by being worked in the right spirit, should stay their hands and make a bold bid for

the co-operation of all sections of politically-minded Indians, and not try to hound to death any section, as if they were outlaws and free-booters, and had ceased to be the King's subjects. In this connection I may draw Mr. Whitty's attention to the words of the resolution of His Majesty's Government (issued in 1920) in noticing the Report of the Hunter Committee on the never-to-be-forgotten Punjab attrocities of 1919.

Solemn Warnings.

If that, however, be considered ancient history, let me recall what Sir Tej Bahadur Sapru told the Secretary of State, only last December, at the third and last session of the Round Table Conference, that in his thirty years' experience as a public man he had never known so much bitterness, so much hostile feeling in Indian homes as he had witnessed during the last few years. "I am not," he said, "one of those men who would like to keep the Congressmen out of the constitution and I make a confession to you that I should consider it my duty to persuade every single Congressman, whom I could influence, to come inside the constitution and work it." If it be said that Sir Tej Bahadur is a man of very advanced views, and has become particularly obnoxious to the bureaucracy since he ceased to be the Law Member of the Government of India, let us listen to the words of wisdom of an eminent Indian administrator, the ex-Dewân of Baroda. Addressing the Secretary of State for India almost personally, Sir Manubhai Mehta spoke at the last session of the Round Table Conference as follows: "At present it is sad to think that the state of the country is alarming. The iron has entered the soul and there is bitterness at the very core. It is all very well to say that the situation of the country was improved. All I can say, Sir, is, in the words of Shakespeare's Hamlet, 'all is not well in the State of Denmark.' Something is rotten in the state of India. Therefore, my request, Sir, is, give them with good grace, give them with open hands, give them freedom and give it quickly. As long as this spirit of bitterness, this unrest, this antipathy to Government is allowed to remain unremedied in British India, we have a standing menace."

" Homes of Liberty and Bowers of Freedom."

These two fervant appeals made to Sir Samuel Hoare by a distinguished publicist and public man from British India, and an eminent administrator from Indian India, put in a nutshell the real state of affairs in this country, due to the wholly unsympathetic administration of the country during recent years, the systematic efforts made at repression ever since Indian national consciousness came into existence, the inordinate and insufferable delay in bestowing upon the country some semblance of real power even in the management of the provincial affairs and, lastly, the frequent enactments of drastic and draconian measures, calculated not only to curtail the liberty of the subject in all spheres of public activities but to crush out, as it were, the very ideal and conception of it. Also, speaking frankly, Government, by placing the crown of martyrdom on the political prisoners, has made it difficult for the old-type constitutionalists like us to continue to work on the right lines. A country, which sees from day to day the march of such " martyrs " to prisons, will vote for them when the time comes, and hurl curses on their adversaries. And so, as the result of the misguided policy of Government, backed by repressive legislation, the feeling to-day, throughout the country, as the Government ought to know, is summed up in those memorable lines of that greatest poet of freedom—Byron :—

> Eternal spirit of the chainless mind !
>
> Brightest in dungeons Liberty thou art ;
>
> For there thy habitation is the heart –
>
> The heart which love of thee alone can bind ;
>
> And when thy sons to fetters are consigned
>
> To fetters and the damp vault's dayless gloom,
>
> Their country conquers with their martyrdom

That is how the recent indiscriminate arrests and the treatment of political prisoners are preparing the public mind. The prisoners to-day are not at all dungeons in the case of many, but homes of liberty

and bowers of freedom, where they feel as did a famous English poet of old, who sang :

> Stone walls do not a prison make,
>
> Nor iron bars a cage.

No Half-Way House.

It is because Government have been dealing with the nationalist movement in a hopelessly wrong spirit, these many years, that we witness to-day, in this country, the sad and sorrowful spectacle depicted about Ireland in the following words, extracted from a splendid speech of that great statesman—Mr. Asquith—made by him in the House of Commons on an Irish Coercion Bill. Said Mr. Asquith : "There is nothing novel in these symptoms. They have been witnessed in every country, whenever the state of the law has not been in harmony with the wishes of the people. There is much virtue in government of the people, by the people, for the people. There is much also to be said for a powerful and well-equipped autocracy, but between the two there is no logical or statesman-like halting place. For the hybrid system which the Government is about to set up, a system which pretends to be that which it is not, and is not what it pretends to be, a system which cannot be either resolutely repressive or frankly popular —for this half-hearted compromise there is inevitably reserved the inexorable sentence which, history shows, must fall on every form of political imposture.'' This statement of the then situation in Ireland is opposite to the India of to-day, and it is an absolutely correct description of the result of British administration in this country at the present time. The real trouble is not so much with Government as with the character of our British fellow-subjects, which has been accurately summed up in a popular saying of the French : "always the purse, often the brain, seldom the heart. " There's the rub, and that being the crux of the problem, no improvement is at all likely to accrue unless the present aggressively repressive policy is completely reversed and replaced by one of sympathy and conciliation, accompanied by making the bounds of freedom wide and extensive, broad-based on the people's will.

" Cohorts of Government."

Well, that is for time to come, and we can but live on hope that the system of dyarchy under which such objectionable legislation is possible and to which Mr. Asquith's expression 'political imposture' is wholly applicable may be replaced soon by one under which such an enactment as is now sought to be placed on the statute book, may be a thing of the past. For the present, however, the struggle is over, or rather will soon be over, when you will have put, Sir, formally the motion that the Bill be passed. The cohorts of the Government. on the nominated benches, aided by their traditional allies under the skilful marshalling and marching orders of Field-Marshal Fawcus, have carried the day, perhaps because God (as Napoleon used to say) is always on the side of the biggest battalions. That may be, at present, a source of gratification to Mr. Fawcus, who as the Government whip "Jocund drives his team afield," including in it, time after time, Rai Bahadur Kedar Nath, whose case is so pathetic, that it has evoked from me a prayer (each time he has voted with the Government that the Almighty God may forgive his sin for leaving his home at Gaya—the most suitable place for a pious Hindu like him at his time of life—and coming here in his present condition, which has compelled him to get his vote recorded for Government even without going into the lobby, by reason of his physical incapacity.

I wish Government and their allies joy—all the joy that they can derive at their success at present, but let the officials and their allies remember that, before long, they are likely to meet their Waterloo, as Napoleon did his. Probably in less time than they imagine Mr. Whitty who, in consistently and persistently opposing all our amendments, pompously arrogated to himself the position of that great and grand French monarch, who said "I am the State" and Mr. Fawcus, who played the mimic Napoleon and strutted as such on the stage of this Council Chamber, will have, with their cohorts and battalions, become things of the past, and the people of this province will

have come into their own. And though, in the words of the late Motilal Ghose, (long the distinguished editor of the *Amrita Bazar Patrika*) the Government in this country has neither eyes to see nor ears to hear, let them take it from me that a very great mental revolution is abroad in this land, which will—as certain as night is followed by day—succeed in sweeping away the present "political imposture" in, at any rate, the provincial administrations of this country. Say what you will, do what you can, thwart it as you may, safeguard your powers, privileges and pelf as you may desire, throw what difficulties you can in the way of our constitutional progress, take what advantage you can of the yet unfortunate divisions in our ranks by playing off one against the other, but remember the day of reckoning foreshadowed in the never to be forgotten lines of your own great poet :—

> Yet Freedom ! yet thy banner, torn but flying
>
> Streams like the thunderstorm *against* the wind.

IX

SECOND CHAMBER IN THE PROVINCES. *

I rise to address you immediately after Rai Bahadur Shyamnandan Sahay, not with a view to criticise him, in particular, for so far as his speech was concerned it was a modest and temperate demand for the establishment of a second chamber. His speech was short and sweet, dainty and delicious, like that of the Raja Bahadur of Amawan, but speeches, temperate and modest, and at the same time short and sweet, are not necessarily of substance and convincing, and I shall come to that part of the case later. I desire to congratulate the Raja Sahib of Kanika, at the outset, on the very lucid and non-partisan speech which he delivered on the subject, befitting the senior Member of our Government and the Vice-President of the Executive Council. His speech is non-committal. It does not commit the Government and it does not commit him. He said that whatever his personal opinion might be, he has placed the matter before the House for a free and frank discussion on the merits of the question. The debate has been so prolonged that I should not have felt justified in addressing you at this late hour, but for the fact that the Raja Sahib declared that the Government will not take into their consideration the opinion of this House but will transmit the proceedings to the Government of India and the Secretary of State, who will take action thereupon. It is, therefore, that I feel justified in making some remarks upon this question.

The question which we have been discussing since yesterday forenoon is, undoubtedly, of a most momentous character. It will make or mar the fortunes of the

---

* *Speech made opposing the proposal of a Second Chamber in Bihar and Orissa at the Legislative Council meeting, at Patna, on the 18th January, 1933.*

constitution which is going to be established in this province, in the near future, and therefore everyone who takes a certain view, whether for it or against it, is bound to express his opinion, for what his opinion is worth.

In the speech of the Raja Sahib there is a short history given of the various stages through which this question has passed in the last 12 years and a glance at that aspect is highly interesting. The Hon'ble the Raja Sahib referred to those various stages. But evidently for fear of lengthening his speech, he did not place before the House in their own language the views expressed by the various authorities, who have investigated this question of a second chamber for Bihar and Orissa. I shall rapidly glance over them and discuss before you to-day, Sir, the main question as to what view has been taken by competent and qualified authorities of the desirability and expediency of the establishment of a second chamber for the provinces in India.

Second Chamber and Provincial Autonomy.

I want to make it quite clear that the subject for discussion is not the expediency or otherwise of the establishment of second chambers, but of second chambers in Indian provinces, which are going to have a certain type of government called Provincial Autonomy, which, however, will not be independent sovereign states like those of the United States of America, or even of the various British Dominion Status States, but will continue to be subordinate to the Government of India and possibly the Secretary of State, in many matters. Now there is a great difference between the two, and that difference cannot be overlooked. I, therefore, agree with my hon'ble friend Sir Ganesh Datta Singh that references to the various constitutions of the western countries have really no relevance here. My young and esteemed friend, Rai Bahadur Shyamnandan Sahay when he once started naming the countries of the world, practically mentioned the names of almost all the countries including Switzerland, the cantons of which have got on bicameral legislature. But that does not matter. The real question is that the American

States, which form the federal union, have got bicameral legislatures because they are sovereign bodies, and not subordinate governments. They have delegated certain powers to the Federal executive and the Federal legislature. But to all intents and purposes they are in the same position as Great Britain, France and Italy and, therefore, that system can have no application to Indian provinces. Another fundamental difference is this that the system of government obtaining in America is not parliamentary but presidential and there is a world of difference between the two. Under the presidential system the President and the Governor of the States are all chosen by electian. I suppose it is beyond the imagination of the Bihar and Orissa Legislative Council to think of choosing our Governor here by election. Then, the President or the Governor is not responsible to the legislature, nor in his Executive Council or his Ministry. They are responsible to the people who choose them—the voters. Therefore the analogy of that system of government can have absolutely no application or relevancy to the parliamentary system of government, as it is called in Great Britain, a model of which we are going to have here on a small scale and in which the Governor is appointed by the King and who (the Governor) chooses his Ministry out of the elected members of the House, and who (the Ministry) must possess the confidence of the Legislature.

History of Investigation.

Having made that quite clear I shall now discuss how this question has been investigated from time to time. The first time this matter came up for consideration was by Mr. Montague and Lord Chelmsford and their opinion is recorded in their report at pages 166—67. I shall read out to the House only one short sentence. They say: "We see very serious practical objection to the idea. We apprehend also that a second chamber representing mainly landed and moneyed interests might prove too effective a barrier against legislation which affected such interests." It is for the House to consider whether in this respect there has been any change since then and to what extent, if any, this argument of theirs can now be held to have been invalidated.

Some years later the question was referred, specifically and in terms, for the consideration of the Simon Commission. When the Simon Commission came here the Government of Bihar and Orissa prepared a huge volume of 425 pages, called " Memorandum for the Indian Statutory Commission on the Working of the Reforms in Bihar and Orissa." I was surprised to find that the Hon'ble the Raja Sahib made no reference to this monumental publication, and that probably for the reason that in that memorandum the Government of Bihar and Orissa opposed the establishment of a second chamber. I shall read out to you, Sir, a passage in which the Bihar and Orissa Government did so. This is what they said :

Objections to the Proposal.

" The objections to the proposal are.

(1) its expense—it would cost about 1½ lakhs recurring ;

(2) the difficulty of obtaining an electorate, for if such a chamber were very largely nominated it would be unpopular, and

(3) the fact that the constitution of the chamber would increase the difficulties in the Council, which it is intended to correct. If there were a second chamber the conservative interests would naturally be represented there and their representation in the Council must be lessened. If they go to the Chamber and it would be almost impossible to constitute the Chamber without them, their numbers in the Council must be diminished and this will seriously affect the position of the Council. This holds good also with regard to the representation of other substantial interests." Then they concluded by saying :—" In view of the very limited effect of the constitution of a second chamber over the action of the Council, Government consider that the result would not be worth the disadvantages. That is cogent, clear and emphatic, as the expression of the opinion of the Bihar and Orissa Government. They tell us now that they have changed their views. They now think that " on the whole "—a beautiful expression that—it would

be of advantage to constitute a second chamber here. If I may say so, the attitude of the Bihar Government in this matter, after having clearly expressed themselves against a second chamber, is reminiscent of that famous lady " Mrs. Enry Awkins "—about whom there was a popular song sung in England, and I hope Mr. Whitty is familiar with it. It was popular in the eighties and the nineties of the last century. Mrs. Enry Awkins, when proposed to a famous Judge (Sir Henry Hawkins) " at first said she wouldn't, then she couldn't, then she said oh I'll see "! That is typical of the attitude of the Bihar Government in this matter. They said " we shall not have a second chamber; it is of no advantage." Now they say " it is, on the whole of advantage." In this connection, Sir, the Hon'ble Minister Sir Fakhruddin recorded his note as follows :—" My own view is that the provincial legislature should continue to be unicameral. A second chamber in the province would not serve the real object of the balance-wheel, and the work that would be assigned to it, with regard to the few provincial legislation, could not justify the expense of its establishment."

Committee's Findings.

Then, Sir, when the Simon Commission came here, the Viceroy appointed a Central Committee to work it, as the Assembly had refused to elect its members. They were all eminent men, working under the presidentship of Sir Sankaran Nair, and they wrote a long note on the subject, disapproving of the establishment of a second chamber in the provinces. I shall read out only one short sentence from their note, on the subject, printed at pages 52—3 of their Report. They say :—" On consideration of above facts, we come to the conclusion that a second chamber in the provinces is unnecessary at present, and might give rise to practical difficulties."

Next we come to the committee of the Bihar and Orissa Legislative Council, of 1928. The Hon'ble the Raja Sahib in his speech told us that this committee could not come to any unanimous conclusion. It comprised of seven members and the Raja Sahib himself was a member of it, but he could not take any part in it owing to his appointment as a Member of the Executive

Council. Out of the remaining six members, I find that three took one view and three another. The three members who advocated the establishment of a second chamber were the Raja Bahadur of Amawan, Babu Chandreshwar Prasad Narayan Sinha and Rai Bahadur Lakshmidhar Mahanti. It has been said times out of number that the landed interests in this province represent a sober element. I may put it to you, Sir, respectfully whether the expression of opinion by the three hon'ble members in support of a second chamber can be said to represent sober opinion. They said:—"We treat this proposal of a second chamber as an integral part of our plea for provincial autonomy". In other words, that if no second chamber be established, there should be no provincial autonomy. I ask respectfully whether that is a sober view or an extreme view. The view was palpably so extreme that the Government of India had no difficulty in saying, when they came to consider the matter, that "we would not propose that in any province a second chamber be made a condition of advance." I say it is an untenable proposition and has no meaning, that there should be no advance in provincial autonomy unless a second chamber be established. The chief reason given in their report for this extreme plea is that "the heady wine of a full-fledged democracy is apt to produce a disastrous effect"! Now the Raja Sahib of Amawan is known to all of us as a notoriously confirmed teetotaller. Babu Lakshmidhar Mahanti does not look as if he has tasted good wine ever in his life. I take it, therefore, that this particular passage (about the heady wine and its disastrous effect) must be due to the head and brain of my young friend Babu Chandreshvar Prashad. I have heard it said of him that when he is not staying under the hospitable roof of Sir Ganesh Datta Singh, he does indulge surreptitiously in some kind of drink, and perhaps he has tried some heady wines and knows their effect. Now this is the kind of argument which was advanced—the argument of heady wines as a plea that there shall be no progress in this province, and no provincial autonomy, unless a second chamber be established. May I ask, if you will permit me, Sir, a personal question of my esteemed and learned friend, Sir Ganesh Datta Singh,

20

whether he is prepared to support the plea that there shall be no provincial autonomy unless a second chamber be established? I am quite sure even he cannot justify that extreme position.

As regards the dissenting members of the Committee, I need not read out the opinion of Rai Bahadur Sarat Chandra Ray, for he has made a speech here to-day opposing the establishment of a second chamber; nor need I read out the observation of the two Muslim members, Messrs. Athar Hussain and Mubarak Ali, because Mr. Athar Hussain was here yesterday and has already spoken against the motion. That being the position, can it be said that in this province there is manifested a clear demand by any important section of public opinion that a second chamber be established? Has Muslim opinion no value? Has the opinion of Chota Nagpur, as represented by Rai Bahadur Sarat Chandra Ray, no weight, and are we to follow the lead in all matters of only the zamindar members of the Council? Is that the correct position to take up for anyone? Then, Sir, there came the Simon Commission and the Raja Sahib of Amawan has told us that that august body could not come to a unanimous decision. Shall we be justified then in establishing a second chamber here, when even the Simon Commission could not come to a unanimous decision on the subject? I submit not.

Last of all, we have the proceedings of the Round Table Conference, and I find it recorded in them, at pages 303 and 304, that "though the existing provincial legislatures are unicameral, the sub-committee recognizes that condition in some provinces may make it desirable that the provincial legislature should be bicameral; but the decision to incorporate the second chamber in the new constitution of any province (other than Bengal, the United Provinces and Bihar and Orissa where opinion in favour of a second chamber has already been expressed) should not be taken until the opinion in the province definitely favoured this course." I submit, Sir, that the majority of the Sub-Committee of the Round Table Conference had no justification for saying—none whatsoever—that Bihar and Orissa had expressed an opinion that there should be a bicameral legislature in this province, merely because three

members of the then Legislative Council expressed that view against other three who opposed it. Again, this matter came up for consideration last year, before Lord Lothian's Franchise Committee, which refused to state its view on the ground that it did not come within the purview of its investigation. They only submarized the arguments for and against the proposal. I say, therefore, Sir, that there is no justification for assuming that any important section of the public has expressed its opinion clearly that there should be a bicameral legislature in this province.

In these circumstances, the question now is, what we should do. I have heard it said by the advocates of a second chamber here that the zamindars have got certain rights which require protection. They feel that they must have some protection and, therefore, a second chamber is desirable here. The zamindar members who have spoken so far favour a second chamber. If you will permit me, Sir, to make a personal remark, I may say that during the period of forty long years that I have lived in this province and practised at the Bar, I have had intimate personal relations with the proprietors of all the biggest estates and I have enjoyed their confidence. I am not an opponent of the zamindars or their interests, and I am speaking to-day in the same capacity in which Sir Ganesh Datta professes to speak, namely, as a friend of the zamindars. If I really believed that the zamindars required protection by means of a second chamber, I should be the first to advocate it in their interest. But I believe that the establishment of a second chamber in this province will immediately lead to a class-war on a larger and more extensive scale, between the zamindars and the tenants and the educated class, than is the case at present, and it is, therefore, in the best interest of the zamindars themselves, that I oppose this motion so uncompromisingly. I do not know, Sir, if hon'ble members are aware that during the last few days several meetings have been held, at various places, of the tenants, and resolutions have been recorded at each of them that they are bitterly hostile to the idea of a second chamber. A telegram has just been put in my hands, which reads as follows:—"Kamalpur

Conference authorize opposition second chamber." With all our anxiety to humour the zamindars we have to take into account public interests, in general. And I say that a reasonable apprehension exists in the mind of the public at large that, by the establishment of a second chamber, an effort is being made to bolster up the interests of a particular class against the interests of the vast bulk of the tenantry and the educated classes. It has been urged that the zemindars are in a minority! Minority is a much-abused term in this country, like several others. And I submit that minority does not, in my opinion, mean an interest. It is the first time that I have heard of a claim set up for the zemindars on this ingenious interpretation of the term 'minority.' If we are to proceed on these lines, then each caste and sub-caste and each class or faction here would be entitled to ask for special protection!

The fact is that as long as the zamindars depend upon the protection either of the Government or of the second chamber, they will never be really able to suceeed in the battle of life. I shall read out to you just one short sentence from a very interesting book, *The Indian Diary* of Mr. Montagu. He wrote that on a particular date he received deputations of the All-India Landholders, All-India Orthodox Hindus and the Bihar and Orissa Landholders and after describing what happened he says:—" Ye gods, what children they are, and they are all anxious rather to get protection than to stand on their own legs and to fight their own battle." Well, this is the estimate in which a man of Mr. Montagu's position held the so-called claim for protection by the zamindars. The leaders of the zamindars in this province, are a well educated and intelligent lot, and as reference has been made to the Maharajadhiraj of Darbhanga, I may say that he is a cultured and an enlightened gentleman, one who is able to hold his own and cope with the leaders representing any other interest, or any other minority; and to say that he would endorse the views of those who are interested in representing the landlords as needing any special protection is to insult the intelligence of his House, and to cast a reflection on them. They are quite capable to depend themselves against the Government, the Governor, or a single chamber.

Sir, I should have taken up some time in showing that the second chamber, proposed to be established here, even with modifications suggested by my friend, Rai Bahadur Shyamnandan Sahay, would be of no avail, for the object in view, since it will have no powers of initiation or repeal or veto, but can delay matters at best. But I feel, specially after the interruption by an hon'ble member, that I should not detain the Council any longer, as there are other hon'ble members who should have a chance of speaking. As a friend of the zamindars I maintain that they are ill-advised in setting up this agitation for a second chamber. The second chamber will give them no relief: for they will have to depend in any case upon the good-will of the public and trust to the judgment of the masses. Mr. Gladstone, than whom Britain has produced few greater statesmen, said on a memorable occasion: "Trust in the judgment of the masses, that is the creed of liberalism. Distrust of it is that of Toryism." If the zamindars can bring themselves to trust to the judgment of the masses, they would be not only taking a sane and sensible view of the matter, but would also develop a sense of responsibility in the masses, for as long as the latter feel that they would be thwarted or hampered or obstructed by a Second Chamber, they will never develop a sense of responsibility. I, therefore, beseech the zamindars to take a dispassionate and sober view of the matter. If they think that by carrying the resolution they would be able to have a Second Chamber, and that by having a Second Chamber they would be obtaining eternal bliss, well, all I can say is that they are greatly mistaken, and the result of their action would be such a disastrous one, that I, for my part, would not contemplate with equanimity, or even venture to prophesy. I have no desire to detain the House any further, and with these words I would conclude by submissions.

X

THE CRIMINAL TRIBES ACT NOTIFICATION.

I.

In the *Bihar and Orissa Gazette*, dated the 14th November, 1932, there appeared a Government notification declaring certain persons liable to limitations and penalties under the Criminal Tribes Act. It has evoked considerable agitation in the press and has been the subject of editorial comments in several leading journals outside Bihar and Orissa. I had tabled a budget motion on the subject with a view to raise a debate on it, on the voting of grants for general administration. Unfortunately, it did not come up for want of time. I make, therefore, no apology for discussing now the legality and the validity of the said notification. I was a member of the Imperial Legislative Council when the substantive Bill was placed on the statute book and I have thus the advantage of knowing a good deal—by reason of my personal association with the proceedings leading to the enactment—about the aims and objects of the Bill, and the avowed intention of its author, the then Home Member of the Government of India. As these proceedings of the debate of the Imperial Legislative Council are not easily accessible to the public I have freely quoted from them, in the latter part of this article in support of my contention. I have no doubt these passages will specially appeal to a large circle of readers interested in public affairs.

The notification in question runs as follows :—
"Whereas the Governor-in-Council has reason to believe that the gang commonly known as 'Jogendra Shukul's gang' which includes the persons named below is addicted to the systematic commission of non-bailable offences; now, therefore, the Governor-in-Council in exercise of the powers conferred by section 3 of the

Criminal Tribes Act, 1924 (VI of 1924), hereby declares the said gang to be a criminal tribe for the purposes of the said Act." Then followed a list of forty-five persons of whom about thirty are (I am informed) at present serving their terms of imprisonment either in the Andamans, or in jails, while about ten are those who were tried and acquitted of the crimes imputed to them and one had not been even proceeded against, and yet all of them—political offenders and persons acquitted of all charges and all high-caste Hindus—have been declared by this one omnibus notification to be a criminal tribe for the purposes of the Act. It is, therefore, not at all surprising that this notification has attracted not only very wide notice, but unfavourable comments throughout India—as far down as Madras where the *Hindu* has animadverted upon it as "a gross abuse of the Act, its provisions being intended to be used only in respect of persons who as a class or tribe depend for their living on crime". The other comments are even stronger but I need not quote them, as I have enough experience of our Local Government to know that of all provincial governments they are the least responsive to public opinion. After a very careful consideration of the matter, however, I am satisfied that the action of the Bihar and Orissa Government is absolutely illegal and wholly unwarranted by the law under which they have purported to act. The notification, no doubt, owes its appearance to the resourceful ingenuity of the Governor-in-Couucil, but I hope I shall be able to show that in misapplying the Act to political offenders or suspects, they have over-reached themselves and landed into serious illegalities.

II.

The Government notification declares the persons, named in the notification, and described as "Jogendra Shukul's gang" as a "criminal tribe", and the question is whether this notification comes within the purview of section 3 of the Criminal Tribes Act. That section reads as follows:—"If the Government has reason to believe that any tribe, gang or class, is addicted to the systematic commission of non-bailable offences,

it may, by notification in the local official gazette, declare that such tribe, gang or class, is a 'criminal tribe' for the purposes of this Act." It is clear from its wording that such a notification may be made, provided only (*a*) there is a gang, or class of persons and (*b*) that it is addicted to the systematic commission of non-bailable offences. Now when this notification appeared in the *Gazette*, was there anywhere in Bihar and Orissa 'a gang' or a class of persons, bearing the name of "Jogendra Shukul's gang" and recognised as a gang of persons or as having a class connotation? If so, when and where? A "mere aggregate of persons," belonging to different castes or classes, does not clearly form a gang. A class or gang is a section of the public having a definite connotation which is common to all its members, with distinctive characteristics to be found in each and every member of the class, which is not to be found in those of any other class or gang. It is obvious, therefore, that in the case of the persons named in the notification, there is nothing distinctive about them, as a whole, which may be called the common characteristic of a gang.

If it be suggested that the common characteristic is the commission of non-bailable offences, then it comes to this that there was a *number of persons* and not a distinctive class of persons addicted to the systematic commission of non-bailable offences. To be addicted to "the systematic commission of non bailable offences" is the second essential condition. The point, therefore, to be considered in connection with this notification is, whether this so-called gang can be said to be addicted to the *systematic* commission of non-bailable offences. I unhesitatingly affirm that of this there is no proof at all. Judged by these two requisites, the notification is absolutely wanting in legal validity. The Local Government have clearly usurped the power of declaring any person as a gang, which is a different thing from declaring a criminal tribe. The other provisions of the Act—if carefully examined—clearly point to the intention of the law to cover persons who thrive on their hereditary criminal proclivities and form a distinct and distinguishable class by themselves, and not fairly educated men, belonging to different high castes,

who may be found engaged in criminal acts, under individual mental perversity. The conclusion is thus undeniable that it is an abuse of the Act to have used it for political purposes.

III.

Another important matter is that under the Act, Government have power only to declare any tribe, gang or a class of persons as a criminal tribe (see section 3) not to specify the members thereof. The power to determine who the individual members of this tribe are to be so declared is vested only in the District Magistrate under section 5. But in this particular case, the Government themselves have exercised both the functions—namely, that of declaring a gang and also naming the individuals constituting it. The latter is clearly a judicial act of the District Magistrate and Government had no legal right to over-ride it as they have done. If the determination of the latter question was left—as it should have been—to the District Magistrate, the proceedings before him would have been of a judicial character, and his decision would, in that case, have been subject to revision by higher courts. But our Executive have in this case usurped the functions of the Judiciary. If after this the District Magistrate is asked to decide this question, under section 5, the decision would be but farcical, because the notification of the Government is bound to create prejudice. In this case, as mentioned by me earlier, some of the persons named in the notification were tried as associates of one Jogendra Shukul in a conspiracy case, and acquitted by the Sessions Court. But over-riding that decision of the trial court, Government have included them as well. This is obviously legally indefensible.

But, I fear that all this argument is likely to be lost on officialdom. I shall, therefore, put forward something which might make them think furiously. Well, the Criminal Tribes Act of 1924 now in force is—as its preamble shows—merely a consolidating measure. The substantive Act was placed on the statute book in 1911, when—as stated above—I had the honour of representing the Legislative Council of West Bengal, Bihar

and Orissa in the Imperial Legislative Council. We had important debates on the Bill and I shall invite attention to the proceedings of that body, to satisfy the reader as to the absolute correctness of the position taken up by me as to the scope and object of the Criminal Tribes Act.

IV.

A reference to the proceedings of the Imperial Legislative Council for 1910-1911 (at page 2, dated the 22nd July 1910) would show that in asking for leave to introduce the Bill to amend the law relating to the registration, surveillance and control of criminal tribes, the then Home Member said:—

"My Lord, the Criminal Tribes Act of 1871 has been amended, from time to time, during the last twenty years. It has never been very satisfactory. The present Bill owes its origin to the Police Commission, who in their report pointed out the inadequacy of the Act in certain respects, and made proposals for its improvement. The criminal tribes in India may be divided roughly into three classes. In the first place, we have tribes who, though originally criminal, have now settled down to honest occupations, although some sections of them, and many individuals, still live by crime. Such, for instance, are Kols, Bhils and Ramusis. "It would be unjust to class them as wholly criminal, yet in some part of the country, for instance in Poona, if you don't pay a Ramusi watchman you stand a chance of having your house looted. Next, there are tribes who have settled abodes, and generally some ostensible occupation, but who periodically proceed on raids, often at a great distance from their homes and live solely on their ill-gotten gains. Thirdly, there are the vagrants, gypsy-like classes who roam over a great extent of the country and commit depredations whenever opportunity offers. They are here to-day and gone to-morrow. In Northern India they are the terror of the countryside. Now, it is obvious that we must have different methods of dealing with these different classes".

It is absolutely clear from the above who are the criminal tribes, or classes or gangs, contemplated by

the Act, and that they are not to be political offenders or suspects such as have been dealt with in the Government notification under consideration. But that is not all. When the Bill came up for its third reading, one Hon'ble Member (Lt.-Col. Malik Umar Hayat Khan of Tiwana) raised precisely the point we are now considering. Said he :--

"As the anti-British propaganda is now on foot, there are many societies which have been formed with the common object of commiting violence or murder, as unfortunately happened only the other day, or of wandering in military lines or elsewhere in the country to preach sedition. As these have got a common object, they can easily be termed 'gangs', and as the offences are non-bailable, their members can easily be brought under the provisions of sections 2 and 3 of the Bill. I intended to move the addition of a separate sub-section only with a view to make it clearer and more forcible; but as it is already covered by the Bill, I have not put forward the amendment."

So the gallant member wanted to do, or sought to be done, precisely what our Governor-in Council has done in this case. I shall now quote the observations of the late Mr. Gokhale and the final reply of the then Home Member on behalf of the Government.

V.

Mr. Gokhale, who followed Lt.-Col. Malik Umar Hayat Khan, spoke as follows :—

"My Lord,—I had no intention of speaking on this motion, but certain remarks that have been made by the Hon'ble Lieutenant Umar Hayat Khan cannot be allowed to pass unnoticed, and that is why I rise to offer a few observations. I think that he has made statements for which there is really no justification in the clauses of the Bill which we are considering. I think the Hon'ble Member said that this Criminal Tribes Bill would also cover the case of political preachers who create unrest, members of secret societies, and so forth. Now, this very question was raised in Select Committee by the Hon'ble Member. He then proposed that the Bill should be made applicable to Sanyassis, members

of secret societies and such others, and there was a discussion and he was told that the clauses of the Bill were intended only for members of criminal tribes, that Sanyassis were not members of such tribes, that even members of secret societies could not be described as members of criminal tribes, and, therefore, the Bill could not apply to those cases. Having been told so and the Select Committee having held that view, I am surprised that the Hon'ble Member should stand up in this Council and put the interpretation that he has put on this Bill. Of course, no one is bound to take the Hon'ble Member's law seriously, but if his statement is allowed to pass uncorrected, it would create a wrong impression in the mind of the public and produce mischief; and I, therefore, have thought it necessary to make these few observations."

In those unregenerate days the attitude of Government in this country was not towards those who like Mr. Gokhale and his non-official colleagues co-operated with Government in working the Morley-Minto reforms, what that of our Government is towards us, who are still working the Montagu-Chelmsford Reforms, and so we find the then Home Member responding as follows to Mr. Gokhale's appeal. Said the Hon'ble Mr. Jenkins:—

"My Lord,—what the Hon'ble Mr. Gokhale said is perfectly correct. The question of misapplication of an Act of this kind to secret societies was discussed in Select Committee, and apart altogether from the propriety of such action there is this difficulty. Before any persons can be registered as belonging to a criminal tribe, it is necessary to define them. You must have some definitions which will apply to every person whom you propose to class as a member of that criminal tribe. When societies are formed consisting of people of many different classes, with many different religions, it is impossible to reduce all of them to any common denominator, and for that reason it is quite impossible even if we wished to provide for such a thing, that an Act of this nature should apply to secret societies. I think it is necessary to make this statement in order to avoid any misapprehensions."

This, I hope, is a conclusive answer to any official sophistries on the subject, and on the basis of the declaration made by Mr. Jenkins, which I have just quoted, I am justified in contending that the Criminal Tribes Act cannot be legally applied to those to whom Government have so done. Their action in misapplying the Act is obviously arbitrary and illegal, and I earnestly hope they will forthwith cancel the notification. If, however, Government do not do so, I hope some way may be found to challenge the legality of the order in a court of justice. The matter is obviously a very important one, as it affects the rights of the subject to personal liberty, of which he has been deprived under cover of a law which, for reasons stated above, cannot be made applicable in the absence of the conditions precedent to any such applicabilty.

XI

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.*

(A).

I may state, Sir, at the outset that I have placed this resolution before the Council in response to a demand made to me personally by the Utkal Conference, which is a representative gathering of the Oriya-speaking people, who inhabit various provinces of India. At the last session of that Conference a resolution was adopted by it requesting me and the Hon'ble the Raja Sahib of Kanika, who represents in this Council the Orissa-speaking people, to place this resolution before the Government, and it is in accordance with that wish that I have brought up this resolution. The Resolution is intended to ameliorate the condition of a large number of His Majesty's Indian subjects and, if I may say so, to relieve a long suffering race which, in this particular matter, has a just and genuine grievance. The Orissa-speaking population of India is roughly 15 millions It has been now for a long time divided under different administrations, for historic or other reasons. These scattered remnants of a great race have for a long series of years been trying to coalesce into one compact body. The Resolution I am submitting has a

---

* *Speech made at the Imperial Legislative Council meeting held at Delhi on the 20th February 1920, in moving the following resolution :—*

"This Council recommends to the Governor-General-in-Council that a mixed Committee of non-officials and officials be appointed to formulate a scheme for the amalgamation of the Oriya-speaking tracts at present administered or controlled by the Governments of Madras, Bengal and the Central Provinces, with the existing Orissa Division of the province of Bihar and Orissa."

long history behind it as regards the efforts of the Oriya people to be brought under one administration. I need not, however, take the Council earlier than the letter from the late Sir Herbert Risley, issued by him, as Home Secretary to the Government of India in the year 1903 in which the suggestion I am now making to the Council was made by the Government of India themselves. In that letter Sir Herbert Risley propounded the whole problem in most lucid terms and pointed out that the division of the Oriya-speaking people under various administrations was the cause of great anxiety and difficulty to the Government of India and the various Provincial Governments concerned. His exact words are as follows: 'The difficulties arising from the problem thus created have been for years a source of anxiety and trouble to the different provinces concerned', and, later on, he says :—

'The Government of Madras have repeatedly complained of the anxieties imposed upon their administration, by the great diversity of languages (Oriya, Tamil, Telugu, Malayalam and Canarese) with which Madras civilians are called upon to cope and which render the transfer of officers from one part of the presidency to another a matter, in any case, of great difficulty and often of positive detriment to the public interest.'

The proposal made by Sir Herbert Risley on behalf of the Government of India was that the Oriya-speaking tracts should be amalgamated and brought under one administration. I find in a book called *The Oriya Movement*—which has been recently published by some patriotic Oriya gentlemen, and in which the history of the movement is recorded at great length—that the proposal of Sir Herbert Risley evoked great interest. I find that my esteemed friend, the Hon'ble Rai Sita Nath Ray Bahadur, as Secretary of the Bengal National Chamber of Commerce, endorsed the views of the Government, and he said that the proposal, if accepted, would conduce to much good. Similarly, I find that Mr. Parsons, the Secretary of the Bengal Chamber of Commerce (and this may interest the Hon'ble Mr. Crum) said the same thing. He said that ' the Committee do not anticipate that any such change would prejudicially

affect mercantile interests '. The Bengal Chamber of Commerce thus supported the proposal. Unfortunately the Madras Government at that time under Lord Ampthill, took up, for reasons which I have never been able to understand, a hostile attitude towards the proposal. When the matter came up to the Government of India for final proposal, Lord Curzon had gone away. He had left the country and Lord Ampthill was acting as the Governor-General for the time being. It is not surprising that the proposal did not find favour with Lord Ampthill and it was vetoed by him. But although it was vetoed by the Government of Lord Ampthill the Oriya people have kept up since a constant agitation, and they have never tired of bringing this matter to the notice of the Government. When Mr. Montagu came out here in 1917 the representatives of the Oriya race went before him, made a submission on this point and put their case as emphatically as they could, with the result that I find that in the Joint Report on Constitutional Reforms some reference is made to the subject in paragraph 246. It is said therein that 'we are bound to indicate our own clear opinion that wherever such re-distributions are necessary and can be effected by a process of consent the attempt to do so should be made.' So far as the ' process of consent ' goes, there is not the least doubt that any inquiry made, whether by means of a Committee or otherwise, will satisfy the Hon'ble the Home Member that the Oriya people are in deadly earnest about this matter. So far as the people in Bihar are concerned, who are under the same administration as the people of Orissa, I may state that no politically-minded Biharee has any objection either to the amalgamation of the Oriyas under one administration or, if need be, to the separation of the Oriya tracts from Bihar and their formation into a separate province I may here explain that I have been asked by some members why I advocate in my resolution the amalgamation of the Oriya-speaking tracts under the Bihar and Orissa Government rather than their formation into a separate province. The reason is that of the two schemes the one I am proposing is perhaps the more feasible and the more likely to be accepted by the Government at present. The Hon'ble the Home Member seems to be in the mood of believing that the

Government as now constituted are merely marking time, and that everything is to be done by the Government which will come in under the Reforms Scheme. It is, therefore, that I think that my proposal which is that these Oriya tracts should be brought under one administration of Bihar and Orissa is a more simple proposition than that of a separate Government. It is for this reason that I have put my Resolution in this form. If a Committee be appointed, and the report be favourable to the proposal, then under section 16 of the Government of India Acts of 1915-16, the Governor-General-in-Council can carry out the measure without any reference to the Secretary of State or the Crown. Under my proposal a whole district has not to be transferred, but only portions of certain districts A reference to the Crown is necessary only when the Governor-General-in-Council has got to transfer a whole district from one province to another. The most important tract outside Bihar and Orissa is Ganjam, a district in the Madras Presidency

Excepting one taluka (as a sub-district is called in the Madras Presidency, corresponding to a 'sub-division' in Bengal and Behar) of it, called Chicacole, the rest of the Ganjam district is, broadly speaking, inhabited by the Oriyas Similarly, in the Central Provinces (since the transfer in 1905 of the Sambalpur district to the Orissa division) there now remain five zamindaries, as they are called, but which are parts of British India, in the districts of Bilaspur and Raipur; and there is also a group of five Indian States in that province. In Bengal, I understand that a small portion in the Midnapore district, called the central sub-division, and some other thanas have got an Oriya speaking population. I am not giving the Council exact figures and details. I am only stating the case generally of the Oriya people. These are the principal tracts outside Bihar and Orissa on the three sides of the Orissa division, which contain an Oriya population, and the case is that on the ground of convenience of administration, and also on linguistic as well as sentimental grounds, all these tracts should be brought under one Government—that of Bihar and Orissa—for the time being. Speaking on this subject, Sir, I may claim to

have some personal knowledge, for when the province of Bihar and Orissa was formed I went myself, at the request of Lord Hardinge, to the Orissa division and even to Ganjam to talk over matters with the representatives of the people there, and I have seen with my own eyes the deplorable condition of the Oriyas in the Ganjam district in the Madras Presidency. I do not mean to say that they are worse off materially than the other populations in the district. I am not talking of their economic condition, but I do say that, detached as they are from the parent body, a small community living in the midst of a large non-Oriya population, their condition is certainly far from happy or enviable. Mr. Stanley Rice, a member of the Indian Civil Service, wrote many years back a very interesting book entitled *Occasional Essays on South Indian Life* and in it there is a chapter on the Oriyas in Ganjam. I findthis is what he says of them :—

"Orissa proper lies within the province of Bengal, and the people of Ganjam suffer in that they have been separated from their brethren ; they are foundling children, alien from the more favoured, because better recognised Dravidian races ; alien even in the origin to which their ancestry has been traced."

Again :—

" The Oriya of Ganjam labours under two disadvantages. He is very far from Madras, and he inhabits only part of a district. He speaks a language which is spoken in Bengal, but not in any part of the Madras Presidency, save Ganjam ".

Now, similar difficulties are experienced daily by the Oriyas, who are found in the Central Provinces or in the Midnapore district of Bengal. The Oriya themselves place their grievance on various other grounds. But I need not expatiate on them, because the Hon'ble the Raja Saheb of Kanika, who will speak after me as a representative of the Oriya community, will tell the Council better than I can what these grievances are. I am quite sure that the Council fully realise that a small population scattered under various administrations and always in a minority in each province can never make itself effectively heard on any important question.

Wherever they are, they are always bound to remain at present a hopeless minority. Even in Bihar and Orissa, where they are much more fully represented than in the Madras Presidency or the Central Provinces or Bengal, their numbers are only four or five in a Council of 25 non-official members. Well, this state of affairs can be but fully remedied when, as I hope before long, the Oriya people will get a self-contained province of their own, but that is a problem for time to come, which, I believe, the Hon'ble the Home Member will say, must be tackled by the Reformed Councils when they come into existence. But I do think that there is absolutely no reason why the Government should not be pleased to constitute even now a small committee to investigate the matter and to formulate a scheme just to transfer these fringe areas and the Oriya-speaking people in them from Madras, the Central Provinces and Bengal to the one administration of Bihar and Orissa. There will be a palpable advantage for the time being in bringing together all these scattered units under one administration. That being secured, the chances of their getting a separate self-contained province of their own will certainly be facilitated in due course. I do not think, therefore, that I need take up the time of this Council any more, and I leave it to my Hon'ble friend the Raja Saheb of Kanika to speak further on this important subject.

(B).

In replying to the debate Mr. Sinha said :—

Sir,—I think I have every reason to congratulate myself on the trend of the debate on my motion. I must first express my sense of gratefulness to the Hon'ble Mr. Banerjea and the Hon'ble Sir Dinshaw Wacha for the very warm support they have accorded to my resolution, which has been moved, seconded and supported by the three members who represent in this Council the various constituencies of Bihar and Orissa. It has also received the support of distinguished leaders like Mr. Banerjea and Sir Dinshaw Wacha, and even Mr. Sarma, who has been trying to damn it with faint praise or praise it with faint damns, has, without committing himself, distinctly given it a qualified support. His

support has been hedged in with all kinds of qualifications, limitations, provisos, ifs and buts, but even he has said that he sympathises with the spirit of it, and he would be glad to see the Oriyas brought under one administration. I would like to say one word about Mr. Sarma's objection. He seems to have a holy horror of the administration of Bihar and Orissa......

THE HON'BLE RAO BAHADUR B. N. SARMA :—" I beg pardon, I said no such thing *whatever*. I said I want a separate province for the Oriyas and not a union with Bihar."

THE HON'BLE MR. SACHCHIDANANDA SINHA :—" I think he said it not in so many words but by implication My contention is that while I do want the amalgamation of the Orissa tracts, still the position of Orissa in public life now is certainly very much better than it was before Bihar and Orissa were brought together. For one thing, I find that when Orissa and Bengal and Bihar were together, and before the new Province was formed, there were never than two representatives of Orissa in the Bengal Council. Now in the Bihar Council we have got five representatives of the Province of Orissa, and it is thus more adequately represented. When Orissa and Bengal and Bihar were together it never fell to the lot of a native of Orissa to be returned to the Imperial Legislative Council. Since Bihar and Orissa were brought tegether Mr. Madhu Sudan Das was unanimously returned by the Provincial Council as a member of the Imperial Council. I think the position of Orissa has been improved by being bracketted with Bihar under a goverment of their own. At the same time, as I have said freely and frankly, I should be the first person to press for a separate province for Orissa. I only brought the resolution in this particular form as a preliminary step to secure that object. And I shall beg the Hon'ble the Home Member, in the promise he has so kindly made of circulating the papers to the Local Governments, to include the suggestion of the Hon'ble Mr. Banerjea and the Hon'ble Mr. Sarma, which I most gladly accept, namely, that he may also include in the papers a consideration of the question as to how far it is feasible and practicable to constitute all the Oriya-speaking tracts under a separate govern-

ment of their own. The Hon'ble the Home Member in his reply to my submissions, for which I am profoundly grateful to him, for it is very sympathetic, coming as it does from him.....

THE HON'BLE MR. SURENDRANATH BANERJEA :—" That qualifying clause nullifies it entirely."

THE HON'BLE MR. SACHCHIDANANDA SINHA :—" Then I did not mean what I said. He has done me the honour of criticising my proposals by citing a passage from a speech delivered in this Council by my old and esteemed friend Sir Gangadhar Chitnavis, who said that when the people of this country live under an administration they come to love it so much that they do not like to be detached from it. I think that was the substance of it. I have had the privilege of knowing Sir Gangadhar for a long time. He is himself of a most loving nature ; he would love anybody or anything ; he would love a stock or stone, leave alone an animate body like the Government. But I do not think Sir Gangadhar represents in this matter the correct attitude of the people. Now we in Bihar were for about 150 years under the government of Bengal, forming with Bengal adminstration, but I frankly confess we never loved the Government of Bengal We always clamoured for a separate government of our own and we were not content until we got it. It is not true, therefore, that people who live under a governmont get attached to it in spite of its limitations, and I think that proposition is not correct. However, I have no desire to pursue that matter, or to answer the objection of the Hon'ble Sir William Vincent, who seems to be of opinion that after the observations made by the Joint Committee in their Report, it is not open to the Government to accept the resolution for the appointment of a committee for the purpose I am seeking. The Hon'ble the Home Member may be right in his views, but I am equally entitled to maintain that there is no bar to the Government doing so if they choose to do it. But in view of the promise which he has so kindly made to have the papers circulated to the Local Governments, it will serve no useful purpose to argue these points at the present stage. I desire to express once again my profound gratefulness to him on behalf of the people of Orissa, in the larger

sense of the term, for the promise he has made, and I hope, when he has circulated the papers, including the point of forming a separate administration for the Oriya speaking population, and when the new Councils are formed, some good will ensue to the people of Orissa.

I would ask you leave, Sir, to permit me to withdraw the Resolution in view of the assurances given by the Hon'ble the Home Member.

XII

SEPARATION OF JUDICIAL FROM EXECUTIVE FUNCTIONS.*

(A)

Mr President, brother-delegates, ladies and gentlemen,—After the masterly and exhaustive speeches that you have been listening to from the seconder of the Resolution, I do not think I shall be justified in detaining you at considerable length on this subject. Of all the questions that we have been discussing which are very important, the most important question that you will have to discuss and pass in this Congress, at least from my point of view, is the one which we have been discussing for the last 15 years in previous Congress; and had it not been for a certain fact, I am quite sure that this year we should have taken the same step as was taken last year, which was that this question was put to the vote of the Congress by the President himself without any speeches having been made at Madras. The only reason which has, so to say, necessitated an alteration in the course, and which has imposed upon us the necessity of placing the same resolution before you once more, has been the fact that men of great position, men of distinguished position in England, men who have held most high and responsible posts in this country, and who are at the present moment holding most important and judicial appointments in Her Majesty's Privy Council, in the India Office and other departments in England, have been so much roused into sympathy for our grievances in this matter, on account of the efforts of the late Mr Manomohan Ghosh, and also of our honoured President, that they have thought it desirable to submit this year a memorial to

---

* *Speech made in supporting Mr. A. C. Mazumder's speech on the subject at the Indian National Congress at Lucknow in December 1899.*

Lord George Hamilton, advocating an early separation of the executive and judicial functions in this country. As you will see from the resolution that has been read out, a portion consists of the fact that you are asked to convey to them, as we should undoubtedly convey to them, our sincerest thanks for the task they imposed up on themselves in the advocacy of this great cause and reform in England. The mover of the resolution, Mr. Ambika Charan Mazumdar, has told you who these gentlemen are. You have heard their names, and I need hardly say that when the reform has been taken up by gentlemen of the eminence and position of Sir John Budd Phear, Lord Hobhouse, Sir R. Charles Couch, Sir William Wedderburn and others, we may say we are within a measurable distance of victory. At the same time it is our duty to strengthen the hands of those gentlemen in England by passing this resolution, once more affirming it strongly and empathically. And of all the reforms that the Government of India has to carry out for the better administration of justice in this country, the separation of these two functions is the one which stands first and foremost. I shall not be justified in taking up your time by citing to you instances of various cases that are so frequently occurring in this country, in which gross miscarriage of justice takes place on account of the combination of the two functions in one official ; and I may here put in a word on behalf of officials, that I am honestly of opinion that it is not so much the fault of those officials as it is of the system under which they have to work. Officials, gentlemen, are after all human beings, and if they are placed in surroundings (a voice :—" which they sometime forget "), no doubt they forget. At the same time I may here mention that although, in, particular instances here and in particular instances there, we find District Magistrates and Subordinate Magistrates abusing their powers on account of the combination of the two functions which they are called upon to exercise, still we have not so much fault to find with the officials themselves as with the system upheld by the British Government I find on looking into certain papers, principally the memorial submitted to the Secretary of State for India by those eminent gentlemen, the Government themselves have been recognising at least,

if not trying to carry out, a reform for a century, that the combination of these two functions is undesirable and causes gross miscarriage of justice. So far back as 1893, in Regulation II of 1893, there appears one passage—it is a long passage which says that the Government must divest itself of the power of the infringing, in its executive capacity, on the rights and privileges which the legislative authority has conferred on the people. Now, we do not want anything more than that. All that we seek is the privileges and rights which the Government has conferred upon us in its executive capacity should not be infringed against by its executive officers. Gentlemen, you may see that so far back as 1863 a Police Commission was appointed, composed of eminent officials in the Indian Empire, and the report they submitted went into the whole root of the matter and recommended a complete severance of the two functions. Thirty-seven years have passed, gentlemen, and we are still in the same predicament and the same position, as we were in. I need hardly tell you that the country has undergone manifold changes due to the English education which we have received. Improvements have taken place socially, politically and materially in India, but in this particular respect the Government of India have been standing exactly as they were forty years or a century ago. Therefore, it is incumbent upon us that we should this year emphatically declare that the Government of India must see their way to carry out this reform as early as possible. I am afraid, gentlemen, that my time is limited. With your permission, I should like to say one or two words. So far as I have been able to discover, only three objections have been advanced against carrying out this reform. The first is that, although the system might be good enough for European countries which, with a generally better and a more civilised administration, might be in a position to enjoy the benefits of a complete severance of the two functions, still the whole system does not work very happily, and that it lies upon us to show that there is miscarriage of justice on account of the combination of the two functions. Well, gentlemen, some of you might have seen the pamphlet brought out by Mr. Manmohan Ghosh, in which he collected altogether 50 cases, all from his own criminal

practice, showing how the system works, in what unfair and harsh ways the system works upon the people of this country. I have no doubt that each and all of you here who are legal practitioners on the criminal side, will be able to compile a pamphlet to show how unfair the system works. The test of the pudding is in the eating of it. When we have instances to show that the system is working most unfairly, rigorously and harshly, it is not merely from a sentimental or theoretical point of view that we want the severance, not because that it is good for England and France, but we want the reform to be carried out in practical spirit, because we believe that the system is working most harshly and unfairly in this country. As for the question of expenses, you have been told times out of number that our President has worked out a system which is *mutatis mutandis* only a re-distribution and without any revolutionary changes, that the whole thing could be so carried out without involving extra expenditure. But even if it is necessary to spend some more money for an object like this, and if it necessitates some further expenditure, I say the Government should retrench expenditure in other departments to carry out this much-needed reform (Cheers). I do not believe, gentlemen, there is one person here who will think that the Government of India have reached the limit of retrenchment. There are various methods in which the Government of India can retrench. To take one instance, the Government of India spends crores of rupees in exchange compensation allowance to officials who are already highly paid (Cheers). If these highly-paid officials are not given exchange compensation allowance, that item would twice suffice to carry out this reform. Gentlemen, I need hardly tell you before resuming my seat that it is my firm conviction that it is not the question of expense or this or that; it is the question of false and supposed idea that Government prestige would be gone if the reform is carried out. That bugbear, as Manmohan Ghosh called it, is at the bottom of the whole thing. I am not going to waste your time by telling you what a false notion that is. On the other hand, by separating the two functions, the Indian Government would not lose prestige at all, but in fact it will be quite the other way if anything. The Govern-

ment would be enhancing its popularity by carrying out this reform; they would be broadbasing their rule upon the sympathy and good-will of the people. Our President yesterday said that the most important question of administration is the question of land settlement. That is certainly a very important question, and next to that the most important question is the question of giving to India justice, true justice and British justice (Cheers). You have been told, gentlemen, by retired gentlemen, and sometimes ex-Viceroys of India, that India was conquered by the sword and must be retained by the sword. I am not going to waste your time by saying that India was not conquered by the sword. Whatever that may be, if India is to be retained by the Government, it is not by sword or by brute-force, but by conferring upon us the glory of the British justice of England (Cheers).

(B)

In moving the resolution on the same subject at the 16th sessions of the Indian National Congress held at Lahore in December 1900, Mr. Sinha said :—

Mr. Chairman, brother delegates, ladies and gentlemen :—The resolution that the Subject Committee have done me the honour of entrusting me with runs in the following terms :—

"That this Congress notices with satisfaction the support of public opinion, both in England and in India, which the question of the separation of the judicial from the executive functions in the administration of justice has received; and this Congress while thanking Lord Hobhouse, Sir Richard Garth, Sir Richard Couch, Sir Charles Sergeant, Sir William Markby, Sir John Budd Phear, Sir John Scott, Sir Roland K. Wilson, Mr. Herbert J. Reynolds, and Sir William Wedderburn for presenting a petition to the Secretary of State in Council to effect the much-needed separation, earnestly hopes the Government of India will give their earliest attention to the petition, which has been forwarded to them, and will take practical steps for speedily carrying out this much-needed reform."

In rising, Sir, to move this resolution I must confess that I am actuated rather by mixed feelings. I am inspired with feelings of pleasure at the idea that 16 years of adverse criticism, 16 years of constant fault-finding with our programme and discussions on this particular topic, should have nevertheless enabled us to be in a position to re-affirm our position at this Congress, at the same time actuated by a feeling of regret that even so long an interval of 16 years should not have sufficed to move the cumbersome and ponderous machinery of the Government of India in the direction. Still in all matters of reform we have to be persistent, and now that the matter has been brought through our efforts and the efforts of our well-wishers in England, within the range of practical politics, now is the time for us to once more urge, as strongly as we can, on the Government of India the extreme desirability of this much-needed reform and show them that the administration of justice in this country cannot be satisfactory and cannot be what it ought to be, so long as Government withhold from us this much-needed and very desirable reform (Hear, hear). Now, gentlemen, as I have told you, this resolution was discussed for the first time in the second Calcutta Congress in 1886. Since that time, a great deal has been written and spoken on the platform of the Congress, in the public meetings and in memorials, in resolutions, in newspaper articles and letters about the subject-matter of the resolution that I have the honour of placing before you. I would not, therefore, have been justified under ordinary circumstances in taking very much of your time in, so to say, traversing over the beaten track. But I have to explain to you that at the present moment there are special reasons why we should redouble our efforts in advocating the cause of the separation of the executive from judicial functions. Last year, as we know, a memorial was presented on our behalf by some of the most distinguished Anglo-Indian administrators and statesmen to Lord George Hamilton advocating very strongly the desirability of separating the exercise of these two functions from the Magistrates of this country. That memorial bears the signature of the Right Hon'ble Lord Hobhouse, late legal member of the Viceroy's Council, at present member of the Judicial

Committee of the Privy Council; Sir Richard Garth, late Chief Justice of Bengal; Sir Richard Couch, late Chief Justice of Bengal, and member of the Privy Council; Sir Charles Sergeant, late Chief Justice of Bombay; Sir William Markby, late Chief Justice of Calcutta; Sir John Scott, late a judge of the Bombay High Court, and judicial adviser to the Khedive of Egypt; and Sir William Wedderburn, our trusted and distinguished friend (Cheers), and last, but not least, Mr. H. Reynolds of the Bengal Civil Service. You will see, gentlemen, that these gentlemen are not Congress-wallahs. They are not what we are—although wrongly, no doubt, alleged to be sedition-mongers. They are not newspaper writers, back-writers of the vernacular press; but they are men who have held most distinguished positions under Her Majesty's Government in this country and are at the present moment holding most exalted positions in England. When these gentlemen have taken the cudgels on our behalf, when they thought it worth their while to present a memorial advocating this cause, we can say honestly that we have brought our vessel within the safe reach of the shores. You will see, gentlemen, that a portion of the resolution that I submit to you offers thanks to these gentlemen for having presented the memorial on our behalf. No doubt they are entitled to our thanks, but our duty does not merely lie in thanking them. We have a more arduous task to discharge; that is to advocate the reform in this country and place matters before Lord Curzon before whom the whole subject at present is, so that he may judge for himself and be able within the short time he is to stay in this country, to bring about the introduction of the reform. With these preliminary observations, gentlemen, I shall, with your permission, take a glance—very briefly no doubt, as briefly as I can—at the whole situation and see if really anything has got to be said at the present stage in support of this most defenceless system. You will be surprised to learn that the reform we are trying to bring about in the last year of the 19th century really owes its origin to so far back as 1793, a long period to look back upon—one hundred and seven years back. In Section 1 of Regulation II of 1793 you will find Lord Cornwallis's Government laying down

the proposition which in substance lays down in entirety the proposition that we are now seeking to establish. "Government," wrote Lord Cornwallis, "must divest itself of the power of infringing in its executive capacity, rights and privileges which as exercising legislative authority it has conferred upon the people." We do not put our case any higher than that. We simply claim that the Government should not, in its executive capacity, through its officers exercising executive functions, be in a position to infringe upon those measures which the Government has established through Legislative Councils; that is, the law framed for the administration of justice. Gentlemen, although the principle was laid down so far back as 1793, it was not possible in those troubled times to bring about a complete reformation at once. It took a very long time indeed. In 1833 Government appointed a committee to investigate the whole organisation and working of the police department. The members of this committee, in their report, strongly laid down that if the separation of executive from judicial functions was at all necessary in England, it was doubly and trebly necessary in India, because in England the powers of Magistrates were not large. They can only inflict lighter punishment on the people.

On the contrary, in India a Magistrate can inflict an imprisonment of two years over a man. Therefore, it is doubly necessary that the powers should be separated in India, even before it was done so in England. As a result of this repert, the Government of Lord Auckland separated the two functions for the separation of which we are now fighting. For 20 years the functions of a Magistrate and a Judge were separate. In 1858 Lord Dalhousie thought it best to reunite them. However in 1860 the matter was again brought before the Government of India. Then there was the Police Act V of 1861 under consideration. The whole question came again before the Government of India and Sir Barnes Peacock, who was member of Council, strongly advocated the separation of the two functions. Sir Bartle Frere, who was in charge of the Bill, admitted fully the desirability of the separation and said that the Government would take the earliest occasion to bring about the separation

advocated. On that assurance being given, the matter was dropped for the time being. From that time, unfortunately, it has been allowed to sleep for 40 years. I need hardly impress upon you the vast and wonderful change that has come over the face of this country in the last 40 years. Socially, morally and intellectually our people have been progressing, and politically I need hardly say to you we are in the 16th session of the Congress. Whereas our countrymen have been progressing on all lines taking their highest degrees of English Universities and beating Englishmen on their own ground, whereas we have been progressing for the last 40 years, the Government has been stationary and to day we are not merely not better off but worse off than we were under the rule of the East India Company. So far is the historical aspect of the question. Let us now see what is there to be urged for the maintenance of this system, whether there is really any advantage to be derived by keeping up this system or whether we have not got a strong case to make out and establish that this system is undesirable and unsuitable for the true ends of justice. Now I have seen a writer in a newspaper criticising the arguments in support of the measure. I have been able to summarise, under four distinct heads, all objections urged against the introduction of this reform. I shall lay before you the four objections and my observations thereon as briefly as I can and leave the resolution safely in your hands. The first objection which is urged against the introduction of this reform you will find scattered in the writings of a large number of Anglo-Indian officials and they were very well put some years back by a very good exponent of Anglo-Indian public opinion, I mean, Sir Charles Elliot, Lieutenant-Governor of Bengal for some years. Sir Charles Elliot in the course of an article in the *Asiatic Quarterly Review* lays it down that the great merit of the present system is that it is compatible with oriental genius, that it is adapted to oriental methods and lines of thought and action, and that it satisfies the needs of the Indian people best. This is one of the strongest pleas urged in support of this defenceless system. Let us analyse this for a moment and see what it means. It sounds very plausible, no doubt. What they say is this; in keeping this system we are really

trying to conform to native ideas and sentiments. It is an oriental idea, they say, that it should be combined in one and the same officer. If there were any truth in that, I should think that there would be the greatest contentment with that state of things. If it is something which is adapted to our ideas and sentiments, we would find no Indian complain of it. Far from it, Indian people will be setting up a hallelujah in favour of it. On the other hand, we find the greatest possible complaint repeated against this system, not only inside the Congress but outside the Congress. That being so, I need hardly say that that plausible theory has no foundation in fact. On the contrary, on behalf of the Congress I may lay down the proposition that the success of the British administration in this country has been due to the extent to which it has departed from oriental systems and methods. The government of this country is pledged to carry on the government not according to the despotic methods of oriental government, but on western methods of liberalism and civilisation (Cheers). The more the Indian government has departed from oriental methods, the greater has been the success of the administration and greater our contentment. I do not say that the Indian government has assimilated the system as it ought to be. There is still greater distinction, irritating distinction, maintained in the code specially in matters relating to procedure and the government will have to conform its system to western ideals before long in these respects. We are, at present, only claiming a small portion of our dues and we say in this matter that it is merely a quibble to say that the Government maintains this system because it suits us best. We are wearers of the shoes. We know where the shoe pinches. We say to the Government that during the last 40 years it has not suited us. We have been saying this for the last 16 years. The second objection is from even a higher authority than Sir Charles Elliot, namely, Sir John Strachey, who was Lieutenant-Governor of the United Provinces, and for some time Acting Viceroy of India. Indeed he is a very high authority and whatever emanates from him is entitled to our best consideration. The second plea is based upon this passage from Sir John Strachey's book on *India*; " We find here demands

for more complete separation of executive and judicial functions, but the demand is based on the assumption that because it is good for England, it must be good for India also. There could be no greater error". This passage is relied upon to say that the grievance is merely theoretical and sentimental, and as a matter of fact that it has no existence in fact, and what we want is simply to misapply an institution of England to this country. It is contended that it is wrong to think that what has been conducive to the good of England shall be conducive to the good of India also. In the first place, I shall lay down the proposition that there are certain principles of government which are applicable to all civilised governments, whether Indian or English. And the principle of separation of these two functions has been admitted to be a principle of government which should find a place in the code of every civilised community. In the second place, what I have got to urge as a very important consideration is this. Those gentlemen who cite this passage from Sir John Strachey's book entirely fail to note a very small foot-note attached to the next page. That is a very important foot-note and cannot be ignored in discussing the question. The foot-note says: "In non-regulation provinces with some exception the Deputy Commissioner is not only a Sessions Judge and Commissioner but the Chief Judge. This is undoubtedly objectionable. There are no reasons for maintaining it except reasons of economy." Now, gentlemen, Sir John Strachey there used rather an ambiguous and misleading expression, *i. e.*, "Chief Judge". Chief Judge, as we understand it, means Judge in a chief court like that of the Punjab or Burmah corresponding to the Chief Justice of a chartered High Court. What Sir John means is the Deputy Commissioner of a non-regulation province being also a sessions judge is irregular. Speaking to gentlemen here who are mostly from the Punjab I need hardly say that in no non-regulation province, so far as I know, in either the Central Provinces or the Punjab, does the Deputy Commissioner discharge the functions of a Sessions Judge. We have got Divisional Judges who discharge that function. The only difference between a non-regulation province and a regulation province is that under section 30 of the Criminal Procedure Code he can

try cases and inflict punishment to the extent of seven years. There is no difference between a non-regulation province magistrate and a collector. If, therefore, Sir John Strachey finds it objectionable in the case of Deputy Commissioners that the two functions should be continued, what justification can there be for those two functions to remain combined in a collector and magistrate? There could be no justification whatsoever. It may be said : "O, very well, it is all very nice, no doubt, for you, gentlemen, to place before us destructive criticism. Why don't you place before us constructive criticism, some scheme or plan by which without adding to the burden of the people, we be enabled to carry out this reform." Our distinguished countryman, Mr. R. C. Dutt, placed before the Government a scheme which clearly showed that, so far as Bengal was concerned, without adding to the burden of the people, without levying any taxation, the Government, by a mere redistribution of their officers, could bring about the reform in no time. As the Bombay province is concerned, our distinguished champion, Mr. P. M. Mehta, has submitted a scheme which is on all fours with Mr. Dutt's scheme. If these schemes are given a trial, they will show to Government that without adding to the burdens of the people, the reform can be introduced at no distant date. But the Government of this country which can make large experiments in untrodden paths, by introducing the Punjab Land Alienation Bill for making an experiment, does not seem anxious to make an experiment in the direction in which it is most needed in the way of introducing reform in Bengal or Bombay, for which they have distinct schemes placed before them But, Sir, is it a fact that this reform will at all entail any new expenditure ? I submit not, but supposing it does, is there any reason that a government which spends large sums of money on profitless pursuits should not be able to spend a very small sum to bring about this much needed change ? In the first place, if you will examine the Government of India's accounts under the head of public justice you will find that the Government so far as this head is concerned, is by no means financially a loser. Every year, under the head of public justice, the income of the Government leaves a distinct surplus over the expenditure. That certainly

should be applied in the fitness of things for the betterment of the administration of justice. But, then, assuming for argument's sake that there is no margin of surplus left in the income from justice, surely the Government could retrench and economise expenditure in other directions to bring about this change. The Government of India has been spending large sums of money in discovering a scientific frontier, with what results we know The Government of India maintains an Indian Church Establishment on which a large sum of money is spent every year, and I submit that it is most certainly undesirable to spend moneys of non-Christian subjects in maintaining churches for Christians (Hear, hear). I further repeat, gentlemen, that it is not the opinion of the Congress alone. It was for the first time brought forward by Mr. Reynolds of the Bengal Civil Service in the course of an article in *India.* He said that money of non-Christian subjects should be spent on a Christian establishment is objectionable and most inequitable. That money should be applied to this purpose. After all, it is not a question of cost either. The last sheet-anchor that was left was that of prestige alone Even that has lately disappeared. The *Pioneer* is entitled to our most respectable thanks for having recently published an article entitled "Prestige." In the course of that article, the *Pioneer* has shown that if this reform is introduced the Collector's prestige would in no way suffer. The *Pioneer* has really done a service to the people in writing this article Therefore, if these functions are taken away from the District Magistrate, his position, as a matter of fact, would in no way suffer. So that the position stands thus to-day. I think all the pleas raised so far have been successfully met by the Congress in previous years, and there is absolutely no defence for maintaining this system. Gentlemen, I have done. One word more and I shall resume my seat. I cannot help remarking that the matter which is now before Lord Curzon merits his deepest attention. It is a matter concerning the weal and woe, not only of educated classes, but it is a matter which concerns the interests of 300 millions of Her Majesty's subjects in this country. A few days more and it will have fallen to Lord Curzon's lot to have carried on the government of peaceful and united people, from the 19th to the 20th century and,

gentlemen, Lord Curzon could not better inaugurate the 20th century than by granting this boon to Indian people (Cheers). Judging from Lord Curzon's utterances, he is a statesman who takes a broad and statesmanlike view of the situation. Lord Curzon seems to understand that although government might be called into existence through physical and muscular forces, it can only be retained by righteousness and principles of justice (Cheers). That is the *raison d'etre* of the Congress. This Congress has, in season and out of season, been emphasising on the Government of India that although the British Government has got every right and reason to be proud of this vast and splendid empire, yet the Congress wants that this Empire should be broadbased upon the foundations of righteousness and justice (Cheers). This Congress wants that the government of this country should not be placed on shifty sandbanks, but that it should be consolidated and unified on the affections of the people; and that, gentlemen, can only be secured by conferring upon them the boon of justice, not the justice which we enjoy to-day, half milk and half water, adulterated justice, but real and righteous British justice (Cheers).

XIII

AN EXECUTIVE COUNCIL FOR THE UNITED PROVINCES. *

(A)

My Lord,—The Resolution which I have the honour to submit to the Council runs in the following terms :—

"That with reference to section 3, subsection (2), of the Indian Councils Act, 1909, this Council recommends to the Governor-General-in-Council that action may be taken by him with a view to the creation of a Council in the United Provinces of Agra and Oudh, for the purpose of assisting the Lieutenant-Governor in the Executive Government of the Province."

So far as the province of Agra is concerned, the subject-matter of the resolution, which I am now submitting to this Council, dates back to a time far distant from now—as far back as 1833. In that year a Charter Act was passed. Under section 56 of this Act it was laid down that the then Bengal Presidency was to be divided into two Governments, the Presidency of Fort William and the Presidency of Agra, each to be administered by a Governor and a Council composed of 3 members. Two years later, however, in 1835, another Act of Parliament was passed by which the provisions of section 56 of the earlier Act of 1833 were suspended and held in abeyance and the Government of India were authorised to appoint a Lieutenant-Governor for the Presidency of Agra; and this was done. Similarly, my Lord, in 1853, when a new Charter Act was passed, it was provided that a Government-in-Council should be established in the Lower Provinces, *i. e.*, in the Presidency of Fort William, with 3 members. This, however, was not

---

* *Speech made at the meeting of the Imperial Legislative Council held at Calcutta on the 3rd January 1911.*

carried out at the time, so that, as the Report of the Decentralization Commission points out, it is not quite clear from these earlier Acts of 1833 that "the original intention was that as large separate provinces were called into being, this form of administration should be applied to them also." Now, my Lord, the provisions of these Acts have not been repealed and are only held in abeyance. Later, in the course of the discussions in 1867 and 1868, in connection with the Orissa famine, the question of Presidency Government or Council Government as against personal Government, came up for discussion before the Government of India, and the discussion was published at the time in the *Gazette.* I find from a reference to it that such distinguished administrators and jurists as Sir Henry Maine, Sir Bartle Frere and Sir William Grey, the last the Lieutenant-Governor for the Lower Provinces at that time, were in favour of a Council Government for the Lower Provinces. Lord Lawrence, the then Governor-General, was, however, opposed to it and so also was Sir William Muir, who was, I believe, the Finance Minister at the time. But even Sir William Muir, though he was opposed to a Council being established, recorded his opinion as to the advantages of a Council Government over personal Government as follows :—

"Where the whole power of Government vests in a single individual, it is never safe to relax a certain measure of oversight. For, however good a thing it is to have the personal activity and responsibility proper to individual action, you are at the same time liable to personal idiosyncracies, to an over-zeal or activity in some particular direction, and, sometimes, also to the prevalence of a crotchet, or (but this rarely) to remissness or unwillingness to grapple with some special question or perhaps to neglect altogether some special department. Therefore, a certain degree of control is indispensable."

Later, in connection with Sir Charles Aitchison's scheme for the reconstitution of the public services in 1888, this matter was again taken up and discussed, but nothing came of it. Finally, my Lord, three years ago the question was taken up and threshed out by the Royal Commission on Decentralization. The Commission

visited all the important centres in the country, went about from place to place, collected a mass of valuable evidence, sifted all, analysed it, and ultimately submitted a report recommending the establishment of Council Government in all the important provinces of the country. The whole subject is discussed in Chapter X of their luminous report, but I may read out to the Council two short passages :

" With the development of administration in all its branches, the growth of important industrial interests, the spread of education and political aspirations and the growing tendency of the public to criticise the administration and to appeal to the highest executive tribunal, the Lieutenant-Governors of the larger provinces are clearly overburdened."

The Commission went, however, much further than that. They not only recommended the establishment of Council Governments in the larger provinces on the ground of a strain to or overwork on the part of the Lieutenant-Governors, but they based it on much higher ground. They said :—

" Further, even if a Lieutenant-Governor could dispose of all the work demanding consideration at the hands of a Provincial Government, we think that such powers are too wide to be expediently entrusted to one man, however able or zealous."

The recommendation of the Commission was practically accepted by the Government of India, who in their Despatch, dated the 1st October 1908, to Lord Morley, on the Reform Scheme, embodied it in the following passage :—

" In conclusion, we have one more observation to make. We recognize that the effect of our own proposals will be to throw a greater burden on the heads of local Governments, not only by reason of the actual increase of work caused by the longer sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils. It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors by the creation of Executive Councils......and assisting the Governors of Madras

and Bombay, by enlarging the Councils which now exist in those provinces."

The provision, my Lord, was ultimately embodied by Lord Morley in the India Bill of 1909, and members of this Council are aware that no feature of the Reform Scheme had given the people of this country greater satisfaction than the embodiment of this principle of the constitution of presidency government or council government in the India Bill. When the House of Lords deleted section 3 of the Bill, which authorised the establishment of such governments in the different provinces, there was very great agitation all over the country for the restoration of clause 3 of the Bill, and in that particular matter, my Lord, I am glad to say, such was the unanimity of feeling in India that Hindu and Mahommedan leaders came on the same platform to protest against the deletion of that clause. In Calcutta a very important meeting was held, presided over by the Nawab of Dacca, and in that meeting, and, in fact, throughout the whole discussion of, and agitation on the subject, the most important and patriotic part was taken by the Hon'ble Mr. Ali Imam, who made speeches at different centres advocating strongly that this clause 3 should be restored by the House of Commons, so that it might be possible for the government to establish council governments in the larger provinces. Unfortunately, my Lord, that was not done, and the provisions were embodied in the Bill in the House of Commons in a form which was not quite satisfactory to the people of this country. In the form as it now stands it rests with the Government of India to create councils in the larger provinces, except the Lower Provinces, by Proclamation, and if the Proclamation lies on the table of the House of Commons and the House of Lords for 40 days and no objection is taken, then a Council Government can be taken to be established.

So much, my Lord, for the history of the measure. In regard to the advantages of a system of council government, I do not think that it would be justifiable on my part to address this Council at any length. These advantages are summarised under four heads in the Report of the Royal Commission on Decentralization. Speaking briefly, the point is that a council government

ensures stability and continuity of policy as against fluctuations in it, and as against the operation of personal idiosyncrasies in the government. These are very important considerations. As happily put by Lord Morley, the advantage is that the judgment of the Governor or the Lieutenant-Governor is "fortified and enlarged by two or more competent advisers with an official and responsible share in his deliberation". But apart from that I find a reference to the subject in Mill's book on *Representative Government*, written with special reference to council governments in India as established in the presidencies of Madras and Bombay. This is what Mill wrote:—

"The mode of conducting the highest class of administrative business is one of the most successful instances of the adaptation of means to ends which political history, not hitherto very prolific in works of skill and contrivance, has yet to show. It is one of the acquisitions with which the art of politics has been enriched by the experience of the East India Company's rule."

My Lord, I do not think it is necessary for me, after this whole-hearted appreciation of Mill, to dwell on the advantages of a council system of government. The Government of India have already accepted the principle and carried it out in the Lower Provinces of Behar, West Bengal and Orissa. My prayer now is that the same system be established in the United Provinces of Agra and Oudh, and I think I am justified in pressing their claim. Writing in 1867-68, in the first edition of his standard work called *Indian Polity*, Sir George Chesney discussed the question of the establishment of council government both in the Lower Provinces as they stood in those days and the province of Agra. Sir George Chesney was of opinion that whereas a council government was necessary even in those days in the Lower Provinces of Behar, Bengal and Orissa, no such system of administration was called for at the time in the then North-Western Provinces. Writing, however, 25 years later in the last edition of *Indian Polity*, Sir George Chesney, who had just retired from the post of the Military Member of the Executive Council had modified his opinion so far as to advocate the establishment of

council government for the United Provinces. It may be stated that during this long interval the area and population of the province of Agra had been largely augmented by the amalgamation with it, in 1877, of the province of Oudh. This is what Sir George wrote in 1895 :—

"In regard to administration, the charge (the United Provinces) is as important as Bengal. It comprises 49 districts as against 47 in the latter (this has reference to the number of districts in the Lower Provinces before the partition) nearly twice as many as in Bombay, and more than thrice the number of districts in Madras, and every consideration which makes for styling the head of the Bengal Government a Governor, applies equally to this great province. Here also, as in Bengal, the Governor should be aided by a Council. The amount of business to be transacted here is beyond the capacity of a single administrator to deal with properly, while the province has arrived at a condition when the vigour and impulse to progress which the rule of one man can impart, may be fully replaced by the greater continuity of policy, which would be secured under the administration of a Governor aided by a Council. So far from the head of the administration losing by the change—not to mention the relief from the pressure of work now imposed on a single man, and that a great deal of business which has now to be disposed of in his name by irresponsible Secretaries would then fall to be dealt with by members of the Government with recognised authority—it would be of great advantage to the Governor if all appointments and promotions in the public service of this Province, a much larger body than that in Madras and Bombay, were made in consultation with and on the joint responsibility of colleagues, instead of at his sole pleasure."

I submit, my Lord, that this opinion of Sir George Chesney should carry great weight with members of this Council. Sir George was not an irresponsible non-official, but one who held one of the highest appointments in the Executive Government of this country and was in intimate touch with the government of the land. It is now 16 years since Sir George so emphatically

recorded his opinion, and during this period there has been remarkable progress in the United Provinces in all directions. I submit, that judged by any reasonable test, the United Provinces are now entitled to have a council government—whether we take into account the number of districts as remarked by Sir George Chesney or whether we take the test of population. We have 48 millions in the United Provinces against 19 millions in Bombay, 38 millions in Madras and 51 millions in the Lower Provinces. After the Lower Provinces it is the next largest province in population. Taking another test, that of the amount of land revenue we pay, as I showed in my Budget speech last year, a much larger amount than any other province except Madras, our Provincial Legislative Council is quite as large as that of the Lower Provinces, while our University has under its jurisdiction educational institutions no less in number than the University of Calcutta. That being so, I submit, my Lord, that a large province of 48 millions, revelling in the luxury of two highest judicial tribunals, the High Court at Allahabad consisting of 7 Judges, and the Judicial Commissioner's Court at Lucknow—as against only one High Court which the Lower Provinces share jointly with Eastern Bengal and Assam, is entitled to have a Council Government.

My Lord, the opponents of this reform, about which I assure Your Lordship there is a very strong feeling in the United Provinces amongst educated Indians of all classes, Hindu and Mahommedan, say that we Indians in this matter are actuated more or less by sentimental considerations, as, it is said, we think that if a council government be established, at least one of the members will be a native of India. My Lord, I am far from denying that sentiment plays a very important part in this matter, but at the same time the reasons why we desire the establishment of council government and the admission into it of Indians are not based purely on sentimental grounds, but because we honestly believe that the admission of Indians into Executive Councils is a great safeguard; for, before any measure can be brought forward in a Legislative Council, the Government will have been in a position to appreciate and come to know and realise the feelings of the Indians

through their Indian representatives in the Council. The introduction of Indians into the Executive Councils in other provinces, and particularly in that of the Government of India, has been a success, as was testified by Your Lordship's predecessor, and I do not think there is any reason why we should not have the same privilege extended to us in the United Provinces. On these grounds, my Lord, I think the United Provinces should be given the benefit of a more progressive and a more liberal administration than that provided for in one-man rule, by being endowed with an Executive Council.

(B)

In reply to the debate on the subject Mr. Sinha said :—

My Lord,—I shall confine myself to the observations of the Hon'ble Home Member, as it does not seem necessary to notice the remarks of the Hon'ble Mr. Holms. The Hon'ble Mr. Jenkins has not chosen to go into the debatable points in regard to the excellence or otherwise of Council Government. He has contented himself by saying that, so far as his information goes, such conditions have not arisen that the Lieutenant-Governor cannot cope with the work. His view seems to be that a Local Government must first pretty well come to a deadlock before the proposal of an Executive Council can be entertained. I wonder if this test was applied in the case of the Lower Provinces in endowing them with an Executive Council. I doubt if it was so. My Lord, in my opening remarks I was careful enough studiously to avoid any personal reference to Sir John Hewett. If I am now driven to make any personal reference, it is only because the Hon'ble Member has imported into the discussion the Lieutenant Governor's name. In the United Provinces and the Punjab the whole work is done by the Lieutenant-Governor with the aid of a number of Secretaries, and although technically, in name, it is all done by the Lieutenant-Governor. I do not think I am going beyond the facts in saying that a good deal of the work is done by the Chief Secretaries and Secretaries, who, of course, purport to do the work on behalf of the Lieutenant-Governor. That, in substance, I contend, is work done in Council with

the aid of two or three colleagues; only the disadvantages are that, whereas in Councils colleagues are of equal position, fully competent men, senior officers and thoroughly qualified, in the other case the Secretaries are comparatively junior officers, and they have all the power and do all the work, but without the reponsibilities which attach to Executive Members of Council. And to my mind, therefore, this is a distinction without a difference. I, therefore, submit that the Home Member's argument does not satisfy me. I shall be the first person to testify to the vast energy and indefatigability of Sir John Hewett. My point, however, is that Sir John Hewett is shortly going to Delhi and soon after he will probably be retiring, so that we cannot discuss this resolution with Sir John in view. And I say it without any disparagement to the members of the Civil Service, for whom I have great respect, that there are not many Sir John Hewetts in that body. The question, therefore, of Sir John Hewett being a ceaseless, untiring and indefatigable worker does not at all arise. The principle for which I contend is wholly independent of personalities, and I think I have made out a case for the Home Member to concede to us this reform.

PART II.

POLITICAL

PART II

POLITICAL

I

THE SPECIAL PROVINCIAL CONGRESS, 1917.*

Passing as we are through times that try men's souls—a period of unprecedented storm and stress in the annals of our Motherland— I would not have felt justified in giving expression to my sense of gratefulness for the great honour you have done me, but for my conviction that, in my case, it cannot be only conforming to a mere conventionality to do so. You are fully aware that though my heart has always beaten in unison with yours in longing for the realization of those great aspirations for constitutional reforms which will make our country a fully self-contained and self-governing member of the confederacy of the British Commonwealth, it has not been possible for me, for reasons of health, to have taken that active part within recent years in the public affairs of our province which I would have very much liked to have done. If, in spite of it, you have been pleased to confer upon me the highest honour in your power which you can bestow on a Beharee, I assure you, I am proud to receive this signal mark of your confidence, and I consider your summons, to respond to your call at this juncture, the highest and proudest privilege of my life. I am aware that the onerous duties and reponsibilities you have assigned to me could have been placed by you in much worthier hands, but since your choice has fallen on me—for better or for worse—I most readily and willingly respond to call of duty. Only one word more about myself, and it is to give you the assurance that you will always find me heartily willing to bear my share of the burden of public duties. It seems to me, however, that even in Behar our public affairs have now reached a stage when it would not be to their advantage that you

---

* *Inaugural Address at a special session of the Provincial Congress, held at Patna, on 26th August, 1917.*

should have to depend for active and strenuous propagandist work on one or two individuals only. A few persons may well be trusted to keep up public activities in their nascent stage, but at a time like the present when we are struggling hard for securing Home Rule—and opposing elements make the struggle harder every day—each of us has got to be active and diligent, since eternal vigilance and keen alertness are the price of liberty.

I have been asked by some critics why we should meet again so soon after our last Conference and whether it is desirable that at a time when the Empire, of which we are a constituent and a very important unit, is engaged in a life-and-death struggle there should be so much of political agitation—albeit it be perfectly constitutional—in Behar. It is, therefore, necessary that I should take up a little of your time in adverting to this criticism. In the first place, we are passing through times in which each day brings us something new—one day it is the scheme of Lord Islington for the reform of the Indian Government, the next it is that of our late lamented leader Gopal Krishna Gokhale, and perhaps to-morrow will be published that of the redoubtable Mr. Curtis of *Round Table* fame. When such is the state of affairs we cannot afford to go to sleep for a whole year, till we meet in the next session of our Provincial Conference. If we did that we shall be letting judgment go by default. It is just the time when Behar should give expression to her views on these subjects, the thorough reform of our constitution, the policy of repression inaugurated by many of the provincial Governments against public workers in the cause of this great constitutional struggle for reform and the effective steps we should and must take at once—if we are not to be doomed to perpetual servitude—to rescue our comrades from the effect of the repressive policy which is being so sedulously pursued by some of the local Governments. These then are the three problems you have got to consider, discuss and resolve upon at to-day's meeting—(*a*) the irreducible minimum of reforms that will for the time being satisfy the legitimate aspirations of the people as marking a definite step towards the goal of our attaining self-

government within the Empire in the near future, (*b*) the policy of repression which is being systematically pursued in various provinces with a view to stifle the active and earnest propaganda for Home Rule and (*c*) the steps necessary to be taken by us, if the Governments persist in their present policy of repression, with a view to make an effective and telling protest against the same.

THE POLITICAL EDUCATION OF OUR PEOPLE.

But quite apart from these three objects of to-day's Congress, its real utility seems to me to lie in its imparting political education to our people. I have always been of opinion that the education imparted to us in this country is calculated to impress upon us too much of our duties to the State but very little of our rights. Perpetual insistence on our duties to the State and its visible embodiment—the officials—is the one keynote of a foreign educational policy, and one sees it at the very first glance. For example, in a book recently brought out—by a member of the Indian Educational Service in this province—called *Select Passages on Duty to the State* for the purpose of "reading, analysis and translation in schools and colleges," the learned compiler declares in the preface to it that the extracts collected "have been chosen with a view to emphasising the duty we owe to the State and to one another." Now I have nothing to say against and in fact much in favour of teach-ing our boys the duties they owe to one another but I venture to think that infusing young minds with the notion that they but owe duties to the State, without teaching them in the same breath that the State also owes, in a corresponding measure, duties to its subjects is not to fit our young men to become self-respecting and useful citizens of the Empire. It is hardly fair to our young men to ransack classical writers on Politics, from Plato and Aristotle to Mill and Spencer—as the compiler of the book in question has done—with a view to stuff their brains with passages on their duties to the State, without simultaneously enjoining on them the one great lesson our people stand badly in need of learning that the State is for the benefit of the people and not the people for the benefit of the State, whether in India or in any other country. Viewed in this light it is not so

much the people who owe duties to the State as the latter to the former. But unfortunately this very necessary teaching is not imparted to our young men either in schools or colleges or even when they have entered the world. The political atmosphere in this country, in which we live and move and have our being, is so redolent of "Duty to the State" and laden with official vapour to such an extent that even meetings expressly called to record our loyalty to our Sovereign are not supposed to be able to do so unless presided over by a high executive official! It is therefore that in the absence of any insistence on the State's duties to the people, it devolves upon us to carry on as vigorous, active and earnest a constitutional agitation as we can with a view to teach the people the great lesson that the State exists for them and not they for the State. It was this lesson which our revered and patriarchal leader, Dadabhai Naoroji, who has just gone to his rest, emphasised from the presidential chair of the Indian National Congress when he presided over it for the third and last time, at Calcutta, in 1906. His memorable words- so full of deep significance and earnest patriotism—may well be recalled by us at this time and laid to heart. Our great leader exhorted us in words of burning eloquence as follows :—

"Agitate, agitate over the whole length and breadth of India in every nook and corner. All India must learn the lesson of sacrifice of money and of earnest personal work. By doing that I am sure that the British conscience will triumph and the British people will support the present statesmen in their work of giving India responsible self-government in the shortest possible period. We must have a great agitation in England as well as here. Agitate; agitate means inform. Inform, inform the Indian people what their rights are and why and how they should obtain them and inform the British people of the rights of the Indian people and why they should grant them. The organization, which I suggest, and which I may call a band of political missionaries in all the provinces will serve many purposes at once—to inform the people of their rights as British citizens, to prepare them to claim those rights by petitions and when the rights are obtained, to exercise and enjoy them."

In meeting to-day we are, to some extent, carrying out the mandate of our revered leader, who has been rightly designated the father of constitutional agitation in this country. The two points which we have thus kept in view in convening this session are firstly, the declaration of Richard Cobden that "repetition is the essence of agitation" and, secondly, the less onembodied in Herbert Spencer's famous dictum that "alien truths can be forced on minds reluctant to receive them only by means of repeated iterations."

PERSISTENT AGITATION AND THE BUREAUCRACY.

These two dicta, the first of the most persistent and the most successful of British constitutional agitators and the second of one of the greatest political thinkers of the 19th century, should constitute the watchwords of our public activities. I have not had the same advantage which some others in this province have had of coming in contact with the members of the great bureaucracy who have been the arbiters of our destinies for now over a century and a half, ever since that memorable date, 12th of August 1765, on which the grant of the Dewany of Bengal and Behar was made by the Emperor Shah Alam to the East Indian Company. But in this official-ridden country where, as I have already pointed out, even demonstrations of loyalty are organised and presided over by officials, no one can live without feeling sooner or later the impact of the European-Indian bureaucracy. Now as I fully believe that there is a soul of goodness in things evil, I shall be the last person to deny the virtues of the bureaucrats who have wielded and still wield the destinies of our country. These virtues are being so constantly dinned into our ears by themselves that it is not likely that we can forget them. The latest glorifier of bureaucratic self-complacency, a member of the Indian Civil Service, in his recently-published book called, *The Economic Life of a Bengal District*, sketches with a rare modesty the unparallelled achievements in this country of the great service of which he is a member, in the following passage:—"The Indian bureaucracy has supplied India with cheaper railway communications than any possessed by European countries, has provided for her the greatest irrigation works in the world, has created a judicial system which

will bear comparison for fairness and expedition with any system elsewhere, has maintained order and security of life and property in the most unlikely conditions, has grappled successfully with widespread failure of crops and has attempted of late years the stupendous labour of providing an ignorant and densely populated country with a modern system of education and a modern system of sanitation. It has done all this at a cost which is an infinitely lighter burden upon the resources of a poor country than any of the governments in Europe has placed upon the resources of a rich country." Here are the alleged achievements of the European-Indian bureaucracy put by a member of that body presumably at the highest and certainly not at the lowest. I have no desire - since it is not germane to the subject before me—to find myself in controversy with the writer of the passage I have quoted for your special behoof, but what I desire to point out is that in this very flattering and almost idyllic picture of the achievements of the Indian Civil Service—painted by the sympathetic hands of one interested in showing his own class in the most favourable light and in which the super-excellences of that body are brought into most prominent relief—there is no reference at all to any sense of responsiveness on the part of the civilian to the just aspirations of the Indians for what the Greeks called the "higher things of life." The writer does not allege that, and it but goes to conclusively confirm us in our impression of the character of the civilian administration as mechanical, unresponsive, and doctrinaire, in fact, as absolutely impervious to popular aspirations and to public opinion. Nor is it surprising, since the very essence of the bureaucratic government is a belief in its own infallibility and its right to do for the people not what they want but what they ought to or are supposed to want. It is one of the well-established maxims in the science of character study that the exercise of unchecked and irresponsible power inevitably corrupts some of the finer qualities of humanity and is calculated to tarnish, in the end, even the pure metal of which the Nietzcshean superman is made. When you have to deal with such a class of men, the only way, it seems to me, which is

likely to be effective is to iterate and reiterate your demands with a force and intensity which cannot be overlooked or ignored. I do not subscribe to the view that such demands can be more properly made in our Legislative Councils only, for as at present constituted, they can and do afford little scope for the expression of the public opinion of the educated and advanced sections in the country. Regard being had to these two obvious facts, the limitations of our Legislative Councils and the absolute imperviousness of the bureaucracy to public criticism and popular demands, it behoves us to earnestly and seriously take to heart the exhortation of Dadabhai Naoroji to agitate and agitate on constitutional lines, till our people from the Himalyas to Cape Comorin become permeated with one uniform idea that they have not only duties to discharge to the State but rights against it—the rights to think their thoughts aloud, the rights of free association and expression and, above all, the right to rule themselves on such lines as they believe will be conducive to good government, without let or hindrance from any foreign bureaucracy. It is in this view of the matter, that this Conference is calculated to serve a very useful purpose.

OUR AGITATION AND THE WAR.

But it has been repeated *ad nauseum* in the Anglo-Indian press—and also emphasised in the speeches of some of the provincial administrators—that we are guilty of gross impropriety, if nothing worse, in having embarked upon an agitation for constitutional reforms during the continuance of a world-war, like the one which has been raging for the last three years, and that as loyal and law-abiding citizens we should have concentrated all our efforts at present on winning the war before diverting our attention to any other thing—least of all to agitating for reforms in our Government. Plausible though this argument may seem, a little probing suffices to show that it has got no substratum and is totally fallacious. It is obvious that before we Indians could be asked to impose upon ourselves any such restraint, an example should have been set to us by the Government of the country by their absolutely refraining from

any acts which might be controversial. I am aware that some such undertaking was given by Lord Hardinge, but has it ever seriously been attempted to be carried out? I fear, I cannot say so. On the contrary, what we do know is that both the Government of Lord Hardinge and that of His Excellency Lord Chelmsford have introduced measure after measure bristling with most controversial matters, which could not but agitate public opinion and exercise the public mind. I need not recount all these measures.

But the Anglo-Indian and official view seems to be that while the Government may do what they like, even in evolving a retrograde scheme bringing in legislation however reactionary, we are either to keep our lips hermetically sealed or to open them just to murmur pæns of praise at the illimitable wisdom of the officials, who run the Government. It is thus clear that the injunction, one is so often treated to, to avoid controversy at present, is one-sided only and it, therefore, entirely fails to carry conviction to our mind. Evidently our officials do not believe in the very wise aphorism that an ounce of example is better than a ton of precept.

THE WAR AND NATIONAL RECONSTRUCTION.

But apart from that is it or is it not a fact that in spite of the pre-occupations in this world-war and the inevitable concentration of the whole and entire resources of the British Empire for achieving victory, there has been never at any earlier period such a strong desire expressed both in the United Kingdom and the self-governing colonies for a complete overhauling of their institutions and their thorough reconstruction? In fact, successful prosecution of the war and national reconstruction in every department of life and the State can be said to sum up the policy of Great Britain and Ireland, as also of the self-governing commonwealths. The whole basis of national life is in these countries, so to say, in a melting-pot at present, to be remoulded and reconstructed on lines better adapted to subserve the ends of good government and popular contentment, in the light of the newer ideals which this world-war has

brought in its train. Numerous Committees, Commissions and Conferences —not to mention the Convention for settling the scheme of Irish Home Rule so soon after a real, regular, rebellion—have been the order of the day in the British Isles and all important questions connected with educational, social industrial, political and sanitary reforms have been brought under review and surveyed and analysed with a view to place the various departments of life and activities on a better footing, conducive to securing greater progress and increasing human happiness. Without making an attempt at enumerating such efforts, reference may be made in passing to the Speaker's Conference which was especially convened to make recommendations for the extension of, and improvement in, parliamentary franchise and the suggestions of which—including even such a controversial subject as women's suffrage—have been already embodied in the Representation of the People Bill, which on the authority of Lord Curzon was "the greatest political revolution" attempted to be accomplished since the passing of the famous Reform Bill of 1832.

This is for the reconstruction of the House of Commons. That for the House of Lords is also under consideration and Mr. Bonar Law had announced in the House of Commons that the Conference on the reform of the House of Lords would consist of fifteen peers and the same number of the members of the House of Commons and that Lord Bryce had been nominated its Chairman. In fact, a Bill proposing to establish a Ministry of Reconstruction had already been recently introduced in Parliament with a view to frame schemes for the period subsequent to the restoration of normal conditions. You will scarcely believe, but it is nonetheless true, that there are sitting at this time not less than eight Commissions, which have been set up by the British Government, with a view to enquire into and report upon the very formidable industrial unrest extensively prevailing in England. So far the British Government ; as for the British people we know that there have been numerous strikes by various sections and classes —ship-builders, miners, munition-workers and others—for securing better wages and more favourable terms for themselves, in which they have more or

less succeeded, and yet our critics have not found fault with them for their attitude. If time permitted, I could state equally conclusive facts about Canada, Australia and South Africa in support of my contention, but it is not necessary to multiply any further instances. And against all this, what has been our line of action ? I maintain, speaking with the fullest responsibility, that we have maintained throughout these years of trials and tribulations a most correct, well-balanced and even helpful attitude. True, we have asked, in the most constitutional manner, for the introduction of reforms in our Government, but when the whole world is forging ahead, we would have been either more or less than human, if we did not assert our claims to what we believe to be our birthright. Beyond constitutionally pressing our claims on the Government we have done nothing which could embarrass them and we have the satisfaction of feeling that—say our captious critics and carping cavillers what they like—we have not been guilty of anything which can be said by any honest and impartial person to have been actuated by a desire to take an unfair and undue advantage of either of our King-Emperor's Government or of our British fellow-subjects of their pre-occupation in the war. We can survey our work in connection with our present agitation for reforms with a clear conscience and we can unhesitatingly declare—in the memorable expression of Lord Morley's—that " our anchor holds."

THE ALLEGED CHARGE OF EMBARRASSING THE GOVERNMENT.

The fact of the matter is that on the well-known principle of giving one a bad name and hanging him afterwards, this igenious but disingenuous theory of our attempt at embarrassing the Government, taking advantage of the situation brought about by the world-war, has been started by the opponents of Indian reform with a view to discredit our efforts and to rouse feelings of resentment in the hearts of our British fellow-subjects. It is not for the first time in the history of our constitutional progress that such has been the case. You may remember that when the Morley-Minto reform scheme was on the anvil, insidious efforts were made by in-

terested parties to frustrate the objects which those liberal-minded statesmen had in view, and there can be not doubt that they very largely succeeded in their efforts. The rules framed by the Government of India and the various local Governments under Lord Morley's skeleton Act have been so devised as to give as little power as possible, even as advisers of the Executive, to the non-official representatives. What with the special and separate electorates, restraints on interpellations, unlimited powers conferred upon the Presidents of the Councils to disallow questions and resolutions and what with the standing official majority in the Imperial Legislative and some of the Provincial Councils and the nominal non-official majority in some others, the framers of the rules have given us nothing better than glorified debating societies. Ever since the promulgation of these rules the Indian National Congress and its allied institutions and other public bodies have cried themselves hoarse in protesting against them, but so far absolutely to no purpose. Our opponents are, however, fully conscious of the fact that what may have been possible in the India of 1909 is no longer so in that of 1917. They are fully aware that the mental horizon of our people has widened appreciably during the years that have elapsed since the inauguration of the Morley-Minto scheme. Instead of the Muslim League being —as it was more or less—utilized at the time, as an adversary or opponent of the Indian National Congress, it is now its firm supporter and ally, of which there could have been no more conclusive proof than the recent joint conference in Bombay of the executive committees of the two bodies. It will no longer be possible for our opponents to play off the League against the Congress. The Muslim Leaguers and the Congressmen are now both keen and staunch nationalists and have at last realised the indissoluble ties which link together their common destiny as the sons of the same Motherland, and the following words of the great Sir Syed Ahmad Khan, uttered so far back as 1884, have at last come to be adopted as an axiom of our political progress :—

"Hindus and Muhammadans should try to become one heart and soul and act in unison, for, if united, they

can support each other. If not, the effort of one against the other would tend to the destruction and downfall of both. Hindu and Muhammadan brethren, Do you people any country other than India? Do you not inhabit the same land? Are you not born, and burned on or buried under the same soil? Do you not tread the same ground and receive nourishment from the same Mother Earth. Remember that the words "Hindu" and "Mussalman" are only meant for religious distinction, otherwise all persons who reside in India belong to one and the same nation. In the word "nation" I therefore, include, both Hindus and Muhammadans—and all other Indians—because that is the only meaning I can attach to it. With me it is not worth considering what is our religious faith, but that we inhabit the same land, that we are subject to the same Government, that the fountains of benefit for all are the same and that the pangs of famine also we all suffer equally. It is, therefore, that each and all of us must unite for the good of the country, which is common to all. These are the different grounds upon which I call the communities which inhabit India by one word "Hindu" meaning to say that we are all natives of Hindustan."

The result of our acting on the lines suggested by the late Sir Syed has been that we stand to-day absolutely united in our insistence on Home Rule. But the cohesion of our ranks, the realisation of the absolute identity of our interests, the spirit of *comradaire* produced by making common efforts to achieve Home Rule, the burning desire in the heart of every educated Indian to raise the fallen fortunes of his country, the intense longing on the part of all of us that India should again take her rightful place in the scale of civilised nations—these and the various effects following therefrom have naturally been bitter gall and wormwood to the British-Indian bureaucrat and the scribe in the Anglo-Indian press. Hence all the pother about the impropriety of our agitation and demand for Home Rule. The fact of the matter is that the issue now lies plain and unequivocal between the holders of power and influence in India and in the Indian Government—both in this country and in Britain—namely, the Indian bureaucracy and ourselves and that issue is whether India is to be

governed in future by her own sons according to their lights and their notions of what is good for their country or whether she is to continue to be administered by the members of the Indian Civil Service, the self-styled trustees of the Indian people. To us it admits of but one answer and that is that whatever the reasons which may have justified or even led to the establishment, in our country, of a Government by a close and practically foreign bureaucracy, such a state of affairs should not be permitted by us to continue much longer. Our little systems have their day and I hold that the British-Indian bureaucracy has had its day in our country and must now cease to be. It is no longer suited to our present requirements or adapted to our future ideals and it must, therefore, now be replaced by a system of representative and popular government in which the executive will not be our masters but what they should be in all civilized politics—namely, the servants of the people. It is, therefore, that we have now come to regard the British Indian bureaucracy like fire—a good servant but a bad master, for so long as it remains in power, it is impossible for us to attain self-government. The reform and reconstitution of the Indian Civil Service and the deprivation of its practically unlimited powers is and must, therefore, be the first plank in our reform of the Indian constitution

OUR ONE GOAL : HOME-RULE FOR INIDIA.

It is because we are satisfied that there can be no political and economic progress in our land till the bureaucracy is replaced by popular legislatures with full control over the executive and the judiciary, that we have placed before us as the goal of our aspiration the establishment of self-governing institutions in this country. It is idle to tell us that the bureaucracy have done for us this, that and the other, that they have given us good government with its concomitants of peace and contentment. Good government which the bureaucracy profess to have given us is no doubt better than no government, but in the first place good government need not be necessarily synonymous with bureaucratic government. Even a fair-minded member of the Indian Civil Service—Mr. Bernard Houghton—has had

the candour to admit in his well-known work called *Bureaucratic Government* that "the menace, the real peril, lies not in the grant of more popular government to India ; it lies in the continuance of the present bureaucratic system—a system which has served its purpose and which India has now outgrown." We are grateful for this unequivocal admission in our favour by a retired Civilian but as a matter of fact we scarcely need any such outside support. Our knowledge of the deficiencies and limitations of the British-Indian bureaucracy is too subjective to make us require any objective proof. The wearer whom his shoe pinches feels it but too keenly to need any confirmation on the point from the on-looker. We who have lived these many years under the administration of the Indian bureaucracy do but too well realize its inevitable shortcomings—the inelasticity of its system, the rigidity of its method, the soullessness of its administration, the super-sensitiveness to and impatience of even the most moderate criticism, the intense anxiety to retain, at all cost, the power and influence it has so long enjoyed, and last but not least, the passion for docile obedience and subservience to its authority. These are realized in a more or less large measure in all parts of India, but in a somewhat backward province like ours they stand out in bold relief—especially the last. However it be, it is quite clear to us that now that we are demanding self-government, we shall not be placated by the good government offered to us, be it howsoever best intentioned, conscientious or benevolent.

THE BUREAUCRACY AND OUR ASPIRATIONS.

Such, then, is the situation facing us at present—on the one side a growing phalanx of educated and cultured Indians daily getting more and more qualified to manage their own affairs and desirous of coming into their own, deeply dissatisfied with the present system of administration and the political constitution which afford hardly any scope for their talents, capabilities, and legitimate aspirations for administering their own affairs ; on the other, a close, foreign bureaucracy actuated by a strong *espirit de corps*, an unbending determination to preserve in their own hands all power in the State, and an inflexible resolve to cherish and maintain these great

vested advantages which they have so long enjoyed. But there is nothing new in this. It is after all the repetition of what has transpired in every country in its onward march from bureaucracy to democracy. It is just what has occurred before our own eyes in some other countries, and we in India must, profiting by the examples before us, be fully prepared to pass through the necessary struggle—a settled political phenomenon—which precedes the birth of a new nation, for as no sentient being can be born without the pains of labour on the part of the mother, so each people must undergo the process of travail incidental to its being born as a nation, with a political consciousness. There is no doubt in our mind that the British-Indian bureaucracy has outlived its day and outgrown our requirements, and it must now be at once replaced by responsible government. But whenever we urge this plea we are met with the official reply :-" True, you are entitled to self-government in the fulness of time. We concede it is the inherent right of a nation to govern itself and the British learn and understand that from their birth it has been their policy from time immemorial." But—and now comes the very important "but"—" you are not yet fully qualified. You need still along period of growth and culture. The growing child cannot be treated as we treat the adult. You require to be trained and disciplined before you can be entrusted with a full measure of liberty and the full responsibility belonging to man's estate". I dare say you have all noticed these sentiments finding a place even in the otherwise statesmanlike declaration made in the House of Commons by the Right Hon'ble Mr. Montagu about the Indian reforms. The Secretary of State told us that "the British Government and the Government of India"—mark "the Government of India" also, which itself is the great bureaucratic citadel—" must be the judges of the time and measure of each advance" in conferring self-government on India. Contrast this pronouncement of the Secretary of State with that of the Prime Minister, recently made with reference to the German colonies, at present in British occupation. Said Mr. Lloyd George :—" The doinant factor in settling the fate of the German

colonies must be the people's own desires and wishes and the leading principle is that the wishes of the inhabitants must be the supreme consideration in the re settlement—in other words, the formula adopted by the Allies with regard to the disputed territories in Europe is to be applied equally in the tropical countries". Any extended comment upon these two declarations - of the King-Emperor's Minister for India and his Prime Minister—would be but an act of supererogation. Obviously India, which in the recent memorable words of the Lord Bishop of Calcutta came under British Rule, "by a series of conquests in which we (the British) have used Indian soldiers and had Indian allies, ' is to be shown not even that consideration which is to be extended to the German colonies conquered during the present war. Is it then at all surprising that, holding the views he does as to "training Indians in self-government", the Metropolitan exclaimed "that if we turn away from any such application of our principles to India, it is but hypocrisy to come before God with the plea that our cause is the cause of liberty". No, we cannot and should not accept the view propounded by Mr. Montagu—while giving him full credit for the very best of motives and intentions—that the Government of India should be "the judges of the time and measure" of our each advance towards self-government. True, he refers in this connection to the British Government also, but we know from our past experience that that means in effect and substance nothing more than the acceptance of the views of the Government of India and the retired officials who occupy very comfortable berths in that Cave of Adullam—the India Office. We desire to remodel and reconstitute the Government of India and the Provincial Governments by making them subject in all matters of administration and legislation to popular control, that is to subordinate the Executive to the views and wishes of popular legislatures—and yet it is the very instruments of our proposed reconstitution that are to be the judges of our capacity to do so! Verily, Indian problems seem calculated to pervert the sense of logic even in great statesmen. Mr. Montagu's statement—if really acted up to—will but serve to confer on the British-Indian bureaucracy the additional power to

hinder our progress, perhaps even more effectively than they can do at present. But the proposal has its humorous side which has not escaped the ever-vigilant *Amrita Bazar Patrika*, which shrewdly remarks that "if the custodian of a minor whose property he enjoys be given the privilege of determining his ward's age of majority, the latter will ever be in a state of minority." There is great force and wisdom in this sagacious comment, and just as the declaration of the age of the ward's majority does not depend upon the wishes of the guardian, but is fixed by law independent of the latter's self-interested opinion, so should the question of our capacity for each advance be determined by the King-in-Parliament upon due enquiries made from time to time by means of committees, on which there should be respresentatives of the National Congress and the Muslim League, and other leading political bodies. Of one thing we are all sure, that if the Gevernment of India and the British Government—which latter practically means the India Office—are to be the judges of our progress in self-government, the time will not have arrived till the crack of doom, when we may hope to attain even a fair—let alone a full—measure of self-government.

THE ALLEGED EFFICIENCY OF THE BUREAUCRACY.

But when every other argument fails, the British-Indian bureaucrat plays the trump card which he keeps tucked under his sleeve. That is by the use of the one blessed word called Efficiency. What about,—he asks with a look of triumph—Efficiency? Can you educated Indians run as smoothly and as efficiently the machinery of administration, as do the much-maligned bureaucracy? This is the old, old argument based upon the now exploded view propounded by Lord Curzon as Viceroy of India, that "efficiency of administration is synonymous with the contentment of the people." But you and I know that it is not. We know that it is not. We know and realize that efficiency is not and cannot be the be-all and the end-all of a truly civilized government, but that—as recently so well and happily put by Sir Courtney Ilbert, still remembered in this country as the Law Member whose name was

associated with the Ilbert Bill—" a government is not really efficient and stable unless there is sympathy, mutual understanding and co-operation between the governing and the governed,"—all which, we are satisfied, can have no place in the very mechanical system of administration we have lived under for a century and a half and still live under. But, after all, is it a fact that the British-Indian bureaucracy have been so supremely efficient as to be able to resist succssfully on moral grounds the demands of the Indians for popular, representative and responsible government? I submit not. Apply any test that may be considered reasonable and you will find that the results of the British-Indian administration are like the fabled apples on the shores of the Dead Sea—rich and tempting to the view but ashes to the taste. One of the greatest British statesmen—whose memory we in India still cherish in deep reverence for his invaluable service to our country, the late John Bright—in appraising the work of the Indian bureaucrat delivered himself as follows:—" I must say that it is my firm belief that if a country like India be found possessing a most fertile soil, capable of bearing every variety of production, and that notwithstanding, the people are in a state of extreme destitution and suffering, the chances are that there is some fundamental error in the government of the country." It is a very proper criterion which was laid down by one who was so justly known as the Peoples' Tribune. But I contend that whatever the standard you may apply, you will be faced with the same result. Whether you adopt that of " extreme destitution and suffering" or of the rank illiteracy which still prevails, after so many years of British rule, or any other test of judging popular progress, happiness or contentment, the result is but one and the same. But to go no further, a glance at the latest official *Annual Sanitary Report* for the year 1916, of Bihar and Orissa, issued but the other day, should satisfy any reasonable mind that the Indian bureaucracy have been tried in the balance and found wanting. The writer of the Report—the Sanitary Commissioner—writes in it as follows:—"The fall in the birth-rate has been both progressive and very marked and is a serious matter if it

represents the real state of affairs." Again, he says:—"Whereas the birth-rate appears to have been decreasing, the death-rate has apparently been increasing." Could there be a greater and a graver condemnation of the results of the present bureaucratic administration? The charge is so damaging that the Sanitary Commissioner adds by way of consolation that "it is however an open question whether the apparent fall is due to economic and social causes or whether it is a nominal one due to variations in the accuracy of reporting." The cue thus given by him is sufficient for our Local Government who—like the proverbial drowning man catching at a straw—in their resolution reviewing the Report in question lay the soothing unction to their lacerated hearts by declaring that the distressful results must be due to the fact that "the registration of vital statistics is still far from satisfactory"—in other words, the very serious reflection cast by the figures upon the results of our bureaucratic administration can be explained away by the Local Government only by impugning and disowning the official statistics they themselves collect, compile and publish, at so much cost to the pockets of our people. But we, who know our people and their utter destitution, their distressing privations, their frightfully insanitary environments and their gross illiteracy, surely do not require official figures and statements to convince us that our race is dying out. We know it is bound to be so and cannot be otherwise, since no people can thrive and be contented, happy and prosperous, till they are ruled by their own fellow-countrymen; foreign rule, at its best, being a necessary evil.

EXPOSURE OF THE BRITISH-INDIAN BUREAUCRACY.

But it is possible that our view of the matter may be contested on the ground that after all we too are interested parties, that if the bureaucracy are the usurpers of power, we are but seekers after it and that we are, therefore, prone to indulge in exaggeration on the one side, as our opponents do on the other. To set all doubts at rest on the matter and to arrive at an absolutely impartial conclusion on the matter it would be sufficient for an earnest enquirer after truth to turn to the pages of the recently-published Report on the Mesopotamian

expedition sent out by the Indian Government. The Commission which enquired into and has reported on the expedition was composed of some of the most eminent British statesmen and their views on the efficiency and capacity of the Indian bureaucracy, as displayed in the organization and management of the expedition, are entitled to great weight and respect. It is not possible for me—regard being had to the limitations of time—to quote at length from the Report. By reason of its being a valuable document, it deserves careful perusal from end to end, at the hands of each of us. But I cannot resist the temptation of laying before you from its pages only one sentence which puts in a short compass the inherent limitation of a bureaucracy, with which we in this country are but too painfully familiar. We read on page 87 of the Blue-book :—
" It ought, in our judgment, to be deeply impressd on all men of high official authority that obstinate and exaggerated incredulity about defects and failures in the administration over which they have control is in itself a serious and mischievous fault." This might have been taken bodily from any one of the presidential addresses of the National Congress; only finding its place as it does in the Report, it is doubly gratifying to us, since it cannot be charged with being the "vapourings of a pestilential agitator." But though I shall not quote other passages from the Report, I make no aplogy for reading out to you some comments which have appeared on its publication in some of the leading and influential organs of British public opinion—Liberal, Conservative and Socialist—both because these are not easily British journals accessible to us in this country and also to prove the sense of complete unanimity amongst the organs of all shades of British public opinion, in holding the view that the British-Indian bureaucracy has totally belied its much-vaunted success as an efficient system of administration and that it should therefore be replaced at an early date by responsible government.

" Taken altogether, we feel bound to say, it gives such a picture of incompetence, and lack of public spirit and public duty as we might expect in an account of the Moghul Empire. "—The *Morning Post*.

The defenders of the Anglo-Indian bureaucracy have been in the habit of excusing its irresponsibility on the ground that it was supremely efficient. It was like excusing a thistle on the ground that it would bear figs. The war has exhibited in a clear light the need for extending further the scope and degree of the government responsibility in India. And this is by far most fruitful lesson of the Mesopotamian Report."—The *New Statesman*.

"The Indian bureaucracy is revealed as grossly ignorant of that which it was its plain business to know, as utterly reckless of the lives of men for whom it was responsible, as fawningly obsequious to those above it, and as unapproachable and insolent to those below......That is the bureaucrat all over. It is a sin to doubt his omniscience and blasphemy to correct his mistakes. Of all the forms of government under which men have ever lived that of an uncontrolled bureaucracy must be the very worst."—The *Globe*.

"Official India failed to rise to the measure of efficiency demanded and expected of it, and its failure illustrates once more, in a too lurid fashion, alas! the essential inefficiency always displayed by and to be expected from a bureaucracy responsible to nobody. Having no master the uncontrolled functionary almost invariably becomes, in the lump, a bad servant. In India it is nobody's business to make sure that any man is qualified for the post to which he is assigned, that any official highly placed has capacity for doing his duty or that any man in a position to direct a policy is capable of framing one or of understanding a policy when provided for him. We should say that the whole responsibility for the Mesopotamian disaster, with the cruel neglect of the men, the inadequacy of its sanitary staff, the absence of medicines, of means of transport for the wounded, of almost all the requisites called for by an active campaign, lies wholly upon the heads of the Indian bureaucracy."—The *Investor's Review*.

"In the hands of this model bureaucracy which has always been so scornful of criticism or advice, pure mismanagement became the order of the day, and every day the Government of India proved themselves to be incompetent even to provide properly for the forces which they themselves sent up the Tigris and the Euphrates. What we have to deal with is something much more insidious than personal misdeeds. It is the system of government, the indifference to their work, the habit of mind which they bring to bear upon it, upon their inferiors and superiors, and upon the human material which they handle. We have to deal, in fact, with a bureaucracy which is a pure machine, but is not an efficient machine. It is unaffected by any concern for the human material committed to its charge ; it moves by forms and rules which are unintelligent and prevent its gaining the knowledge by which alone it can function efficiently ; and, so far at least as some of its

members are concerned, it has ceased to have the honesty and conscience which alone make a bureaucracy tolerable. We ascribe this sorry state of affairs to the long existence of the Government of India as a body which stands aloof and autocratic, uncontrolled by any public opinion. It is precisely because the Government of India and its officials have no need to bear constantly in mind the need of satisfying an exacting Parliament, collecting a vigilant public opinion, that misdeeds like those exposed to-day can be committed with impunity and continued so long without detection as Britain is far from India and Parliament is weary and over-burdened. We must look definitely for a remedy in India herself. We must give a greater share in Government of India to those Indians who are already capable, and growing ever more capable, of playing a part in the administration of the country."—*The Manchester Guardian.*

I make no apology for having read out these comments, for the case against the Indian bureaucracy and in favour of Indian self-government could not have been put by the most "pestilential agitator" more effectively, more conclusively and more convincingly than in the Report of the Mesopotamian Commission and in the comments it has elicited in the British press—only a few of which I have read out to you by way of illustrating the views of the organs of the British public opinion. I doubt if after this complete exposure, the British-Indian bureaucrat will now hug to his bosom — as did the old lady in the story—that "blessed word Mesopotamia." Yes, we put our case no higher than that done by the ultra-conservative *Globe* that "of all the forms of government under which men have ever lived that of an uncontrolled bureaucracy must be the very worst" and the only remedy for it is that suggested by the Liberal *Investor's Review*, namely, to give it a master, in the shape of responsible government to the Indian people.

BUREAUCRACY AND THE POLICY OF REPRESSION.

Such being the inherent deficiencies of the British-Indian bureaucracy and the inevitable concomitants of their administration, the only remedy that strikes them when we protest against it is, not self-government but repression. Like the Bourbons of old they have become incapable of unlearning or learning anything;

the one panacea in their repertory is repression and more repression. The late Sir Edward Baker—when Finance Member—declared in reply to the remonstrances of Sir Rash Behary Ghose and Mr. Gokhale against the Government's persisting in repressive policy that he was not afraid of driving sedition underground —an unwise declaration which has undoubtedly led to the birth and development of that latest product of bureaucratic administration in this country, the very un-Indian creature, popularly misnamed the Indian anarchist. This repressive policy of the bureaucracy which began some twenty years back with the so-called amendment of the section of the Indian Penal Code (as originally drafted by Sir James Stephen) dealing with sedition, has since gone on apace and not only the Penal and the Criminal Procedure Codes have been several times amended, vesting greater and more drastic powers in the Executive, but a number of special enactments have been passed creating new offences, sometimes for imaginary evils. And what has been the result of all this continuous repressive legislation? Has it brought peace and contentment even to the powers-that-be—let alone the people? Decidedly not. The very fact that the Government had to resort in the earliar years of repression to their obsolete powers under the Regulations of 1818 and 1825, for deporting popular leaders (like Mr. Lajpat Rai) and have had to resort for almost similar purposes to the Defence of India Act which was admittedly passed for a wholly different object, goes to show that all their repressive measures notwithstanding, the bureaucracy have failed to achieve the object they had in view—namely, to stifle the dawning national consciousness of our people for self-government, Home Rule, or Swaraj. And all this has happened because they have travelled by the wrong road and taken the wrong track. To make a law-abiding people like that of India contented with their lot was the easiest thing to do, if but the bureaucracy knew how to do it; but as a vernacular paper once put it "they have neither eyes to hear nor ears to see". If twenty years back the Government would have had the discernment to read the signs of the times, they would have had by

this time conferred upon the people a substantial measure of self-government, instead of thwarting them at each step—now gagging our press under the glorious Press Act, that great monument of Anglo-Indian bureaucratic statemanship—now deporting and interning our leaders and public workers and doing other similar acts that a foreign administration can do to irritate the people. The result of all this wrong-headedness is such as could have been foreseen and yet even now the bureaucracy can scarcely be credited with being on the right track. But the true inwardness of the situation has lately forced itself on even some Anglo-Indian publicists and the most notable of them—Sir Stanley Reed—has given expression to his views in the *Times of India*, which he so ably conducts, in words the significance of which even he who runs may read. Sir Stanley wrote recently in the course of an editorial in his paper:—" With a full sense of responsibility we say that the Government of India, and the services in the Provinces, are not in full harmony with the times. Mere contentment with the routine of administration in that state of calm contentment which is induced by refrigeration on the hilltops, will not meet the situation which we have to face to-day. The time has come for the Government of India to place itself at the head of the best national forces in India, to avow boldly and uncompromisingly that the attainment of self-government within the Empire is the goal of its policy in India, that it proposes to take early and definite steps towards that end through the universal diffusion of education, the expansion of local self-government, the establishment of effective provincial autonomy, and the liberalisation of the Government of India itself." That is speaking like a true statesman, but I doubt if the bureaucracy will profit by it. For even now repression is the order of the day. Scarcely a week passes without our hearing of internments, action taken under the Press Act, prevention of public men from entering provinces other than their own and so forth.

THE REPLY TO REPRESSION.

Now all this cannot conduce to peace and contentment and above all there can be no peace till Mrs.

Besant and her two associates are released and restored to full liberty. Reforms may or may not be introduced in our constitution, commissions in the army may or may not be granted to Indians, Mr. Montagu may or may not come to confer with His Excellency Lord Chelmsford's Government—in fact, whatever may or may not happen—but if I am certain of one thing it is this that there shall be no peace in the land so long as Mrs. Besant and her associates remain interned. We want the Government to distinctly understand that we are not prepared to be content with any measure of self-government until Mrs. Besant who is to us symbolical of all that is good, great, ennobling and vivifying in the Home Rule movement is restored to our ranks to be able to preside over the next session of the Indian National Congress. If the Government are not aware of the true feeling of the country on the subject and the temper of the people, the more is the pity, the more it is to their discredit. Already a wave for passive resistance is surging through the land and will—unless the Government realize even at this late hour their responsibilities in the matter—very probably carry everything before it. Now passive resistance is the last weapon of the constitutional agitator. It includes what is popularly known as boycott and comprises amongst other things the withholding of all co operation till the wrong to be righted is duly redressed. That it is on the highest constitutional authority a perfectly legitimate method of bringing moral pressure to bear upon the Government does not admit of any doubt. Sir Charles Russell—afterwards Lord Russell of Killowen, Lord Chief Justice of England—in his address to the Parnell Commission dealt at length with the subject and in the course of it he observed that " individual boycotting or boycotting in combination is neither actionable nor criminal." At the same time though a perfectly legal and constitutional weapon, resort to passive resistance requires careful consideration and on this subject I cannot do better than read out to you what Mrs. Besant herself wrote in her paper *New India* in the issue of the 4th January, 1915.—" The conditions of successful passive resistance are a clearly defined grievance deeply felt

by the great majority of people, a public whose sympathy can be obtained, a small area in which practically all the people concerned exercise such resistance. Vague discontent, general dissatisfaction, these are not suitable for passive resistance. Moreover there must be a reasonable hope of success within a comparatively brief time. In India none of the conditions is present. Indian conditions resemble those against which the suffragists contend in England a mass of inert indifference which cannot be roused into sympathy. Therefore, while respecting the handful of patriots who adopt this policy, we say quite definitely that passive resistance cannot be wisely and usefully employed in working for self-government. A handful of passive resisters in 300 millions of passive acquiescers is futile and their abstinence helps the bureaucracy."

THE PROMISED REFORMS AND OUR
LINE OF ACTION.

I fear I have trespassed on your valuable time too long but the vital importance to us of the problem of the reform of the Indian constitution and my desire to be of some little assistance to you in the discussion of the subjects which will be placed before you, is my apology for my having detained you. You are aware of the announcement made by Mr. Montagu in the House of Comomns on the subject of Indian reforms including the grant of commissions to Indians in His Majesty's Indian Army. For this definite and distinct declaration of policy promising the establishment of self-government in this country, we are grateful to His Majesty's Government and not the less to Mr. Montagu himself—the reflex of whose true liberalism and genuine sympathy with our aspirations is visible in the terms of the announcement. I have already taken exception to that part of the statement which refers to the question of our fitness for each further advance to be judged practically by the Government of India. But though we have a right to complain of this part of the statement nevertheless you may be sure that no Government of India will be able to resist our demand if it will be backed up by the weight of our educational and moral progress in a larger and larger measure.

The Government of India may be and is all-powerful and very influential, but the great principles of righeousness that govern this universe are after all ever so much and immeasurably stronger than the strongest bureaucracy. It is but a few years back that Lord Morley declared his conviction that his object in introducing his Indian reforms was not to establish the germs of parliamentary government in India and it is yet that which we have now been practically promised by the British Parliament. However, all that is for time to come. It is sufficient for our present purposes that as the result of his conference with the Government of India, the heads of provincial Governments and administrations and the leaders of public opinion, Mr. Montagu has promised to introduce substantial reforms. For myself I have great hopes from Mr. Montagu since he has always given evidence of a critical faculty keenly alive to the inherent limitations and inevitable deficiencies of the Indian bureaucracy. But a few days before he assumed his present office, he delivered a remarkable speech in the House of Commons, during the debate on the Report of the Mesopotamian Commission, and I will commend a careful perusal of it to your earnest attention. Never before in the history of British-Indian administration the bureaucracy were subjected to such a searching, withering criticism by one who had held the high office of Parliamentary Under-Secretary for India. Just think of his delicious description of the working of that *Sanctum Sanctorum*, that holy of holies of retired Anglo-Indians—the India Office—as "an apotheosis of circumlocution and red tape beyond the dreams of any ordinary citizen." Similarly, he declared the Government of India as "too wooden, too iron, too inelastic, too antediluvian" and added that he did not believe "that anybody could ever support the Government of India from the point of view of modern requirements", since it "was an indefensible system of Government." It is this refreshing candour—the Indian bureaucrat will perhaps characterize it as brutal—that leads me to hope that the scheme which Mr. Montagu will evolve may satisfy our aspirations for the present. Nor can we in the light of the revelations made by the Hon'ble Mr. Srinivasa

Shastri as to the circumstances under which our late lamented leader, Mr. Gokhale, prepared his scheme, which has been recently published, accept as suited to our present requirements the proposals outlined therein. Put shortly Mr. Gokhale's suggestions constitute a pre-war document and the last three years have brought about such a tremendous moral and intellectual revolution that what might have suited us then cannot do so now. Thus we are driven to fall back upon our own scheme,—that jointly evolved by the National Congress and the Muslim League. That scheme, therefore, represents for us at present our irreducible minimum of claims and while we shall be grateful to Mr. Montagu were he to give us more, it is quite certain that we cannot be and shall not be content with anything less than what is set out in our scheme. That is our plain and emphatic demand.

OUR FUTURE DESTINY.

Whether we shall get at present all what we want is not known to us, since the future is on the knees of the gods. But about one thing we should be under no delusion and that is that whether we get it now or later, to-day or to-morrow, we *shall* come into our birthright and nothing—nay, no power on earth can keep us out of our inheritance, if only we ourselves are not slack in pressing our demands earnestly, forcefully and constitutionally on the attention of the great British democracy who are the real sovereign power in the State. For though the King-in-Parliament is the supreme power in the British State from the legal point of view, it is the democracy of Great Britain that is for all political purposes the master of even the Parliament. What is, therefore, essential to our success is agitation on a gigantic scale to convince the British democracy of the justice of our claims to self-government. Already our hands have been materially strengthened in pressing our claims by the recommendation made in the Minority Report of the Mesopotamian Commission by Commander J. C. Wedgewood, M. P., who concludes it as follows :—"My last recommendation is that we should no longer deny to Indians the full privilege of citizenship but should allow them a large share in the government of their own country and in the control of that bureaucracy

which in this war uncontrolled by public opinion, has failed to rise to British standards." It now remains for us to follow up this advantage by a sustained, persistent and vigorous constitutional agitation both in Britain and in this country and we should not be satisfied till we have eventually succeeded in storming the bureaucratic citadels at Whitehall, Simla and Delhi and installing in their places responsible government in the memorable words of President Lincoln as "government of the people, for the people, by the people." Then and then only shall the genius of our Motherland, which did so much for human culture and civilization in the days of yore, shall again find full play for the true service of humanity. You might have read the testimony recently borne by the well-known writer, Mr. H. G. Wells, to the Indian mind, which he described as possessed "of singular richness and singular delicacy with a wonderful gentleness—a mind that in spite of all that it has done in the past is still destined to make its chief contribution to the human synthesis in the years that lie ahead ". We Indians fully share this view and hope, but we are equally satisfied that if the approach of that day is to be hastened, it will be by the early establishment of Home Rule in this land—since of the many evils of a foreign bureaucracy, perhaps the greatest is its pernicious effect in stunting the development of the mind of the people it rules over, and in perverting their moral nature. But we fully believe that we are the heirs of a better and larger hope and shall yet rise in the scale of nations. It rests with us to hasten its realisation by our earnestness, patriotism, sincerity and, above all, by possessing an illimitable faith in the great destiny that awaits us in being constituted a self-governing member of the greatest federal Commonwealth the world has yet known.

II

THE REFORMS AND THE POLITICAL SITUATION.*

Sir Ali Imam, the Hon. Sir Fakhruddin and Gentlemen,—I think this is an occasion on which I may be permitted to say a few words in connection with what has brought us together to-day. But before I do so, I wish to express to you my sense of profound gratefulness for the honour you have done me by accepting my invitation to meet Mr. Syed Abdul Aziz. The gathering which I have the honour to address is as representative as it is possible to get together in the capital of Bihar and Orissa. We have got here not only Hindu and Muhammadan representatives of the various districts of Bihar, but also of those of Orissa, as well as members of the great Parsi community—to which India owes so much—and, in fact, of almost all the classes and communities inhabiting this province, all met here to do honour to one to whom honour is due.

The first thing that I may remark is that ever since the Reforms were introduced into the administration of this province in 1920, it is the first time when a very large number of seats in the provincial legislature have been captured by the people who are known, at present technically, as Swarajist or Responsivist Congressmen. It is, indeed, a very notable and striking feature of the last election. I am referring to it, Sir Ali, as I have found that this fact has naturally attracted considerable notice throughout the country, particularly in the press —both Indian and Anglo-Indian. Newspapers of all shades of opinion have referred to this new phase in our political situation and expressed their views on the subject, each from its own standpoint. A well-known Anglo-Indian paper—the *Pioneer* of Allahabad—has written on the subject a long editorial, and I am referring to it, in particular, because I have reasons to believe that the editorial comments in the *Pioneer* on Behar affairs are written by a very exalted official in this province. I, therefore, make no apology for placing

* *A speech delivered in proposing the toast of the health of Mr. Syed Abdul Aziz at a banquet given in his honour in November 1925, after the general election held in that year.*

before you the comments of this paper. Referring to the advent into the Council of as many as 40 Swarajists and 5 Responsivists—*i. e.* altogether 45 out of a total of 76 elected members, and of as many as 2 out of 12 elected members (from this province) in the Assembly, the writer in the *Pioneer* says that this must be due to the "political ignorance of the average Bihari or Oriya elector," (loud laughter). I dare say that if instead of 45 Congressmen as many nincompoops, incapable of expressing their views fearlessly and independently, had been returned, the writer in the *Pioneer* would have declared that the electorate in Bihar and Orissa was a very intelligent and a highly enlightened one. (loud laughter). The fact remains that the election of a very large number of politically-advanced representatives who (whether technically called Swarajists or by any other felicitous or infelicitious name) are all Congressmen—that is, men of liberal and progressive views who represent the politically-minded community in this province—does require an explanation as the last Council had only two Congressmen and so the figure has been more than quadrupled (hear, hear). I find that my friend Babu Rajendra Prasad has put his own gloss upon it, in an interview given by him to a local newspaper. He says it is all due to the fact that the Indian National Congress has a very strong hold upon the mass of the people in Bihar and Orissa (hear, hear). Now I should be the last to dispute this assertion, and perhaps as the oldest Congressman here, I may state that I am glad to be assured that the Congress retains so great a hold upon the people of this province (applause). But I venture to think that this is not the only explanation of the new political phenomenon. The real reasons, to my mind, are two. The first is that there has been, in the last six years, as the results of the three general elections a slow but a sure awakening amongst the mass of our people (hear, hear). Lest it be said that I am putting to you something out of my own imagination, I shall read out to you a short extract from a remarkable book just published in America. It consists of four lectures delivered by Sir Frederick Whyte, the first President of the Indian Legislative Assembly. In the book (called *The Awakening of Asia*) there is a

chapter dealing with India, and discussing in it the problem of our electorate, Sir Frederick Whyte writes as follows :—" The most novel feature in the whole landscape of India during the past five years has been the awakening of the masses to their political and economic condition. Thousands, if not millions, of Indians have understood for the first time during these years the meaning of the word "political". And Sir Frederick then goes on to add : " That awakening is Mahatma Gandhi's work " (loud appaluse). I myself entirely agree with this diagnosis (hear, hear). Well, I venture to say that the result of the last election in Bihar and Orissa has been due partly to this political awakening of the people of this province ; but also undoubtedly to the strenuous--I had said sinister —systematic and organised effort made by some very influential classes—of whom some are legally precluded from taking an active part in election—by means of offensive and defensive alliances to keep out of the Legislative Council the representatives of the educated community (hear, hear). This is a fact which is known to all of us, and it is because of this deep-seated conviction of the electorate that an attempt was being seriously made to flout the will of the King-in-Parliament that it was provoked into resentment, which it had expressed by returning 45 Congressmen (loud applause). That, to my mind, accounts for the political phenomenon and not the fiction which is being circulated that it is because the election contests in this province were fought on the agrarian issue (hear, hear).

The next question is what should now be the attitude of these politically-advanced representatives in the Legislative Council, if they are to do any useful and constructive work, and if they are to secure further political reforms for which the country has been clamouring for years. There is not a shadow of doubt that the new system introduced in 1920 into the provinces as the result of the present reforms has not appealed to any large section of the educated Indians. Here are men at this table representing practically every shade of political opinion in Bihar and Orissa. Now Sir Ali Imam has been known all his life for being tempera-

mentally a conservative, in the political sphere. Let us hear what he, a well-known conservative, said but two years ago in the course of a letter he contributed to the *Times* in 1924, when he was in England. He wrote: "The reforms really gave very little power to Indians. It was shadow without substance. Indians could, of course, hold ministerial rank, but they could be overruled by the Governors. It was India's wish to remain within the Empire, but unless something were done very soon it would be too late. As Ireland has gained her freedom, so would India" (loud applause and hear, hear). If those are the words of Sir Ali Imam, Bihar's conservative statesman, much may be excused in the case of the average, youthful firebrand (applause). But let us see whether the opinion expressed by Sir Ali Imam is to any extent corroborated by independent testimony, and once again I shall read out to you a passage from Sir Frederick Whyte's book which deserves to be widely known in this country. Discussing the constitution of the Provincial Governments Sir Frederick says: "As long as the constitution retains its present unstable and transitional character, no party in India will settle down to constructive work. All Indian political parties represent unreal divisions, because the constitutional question overshadows all the other political problems, and prevents the formation of parties along lines of genuine political and economic cleavage. If the lines of cleavage (amongst Indian politicians) are indistinct and in most cases unreal, that is due to the character of the present constitution" (hear, hear and applause).

It is thus clear that the present constitution of the Provincial Governments, which was a distinctive feature of the reforms, is grossly and hopelessly defective. I do not propose to repeat here anything which I myself wrote on the subject as a member of the Bihar Government, when opinions were sought by the Muddiman Committees because that is a published document. I think, however, that if my friend, the Hon'ble the Education Minister, Sir Fakhruddin, could be induced but to speak out his mind, he will endorse every word, nay, every syllable, of what has been said by Sir Ali Imam and Sir Frederick Whyte. Thus it is clear that we

cannot form parties on distinct issues, political and economic, as we all want to do, because before we can do so, we must have a very much better—aye, a more scientific—type of Provincial Government. The question naturally arises, how to secure it? I would venture to express my views to my Swarajist and Responsivist friends present here to-day, that the only way we could do so is not by accentuating our minor differences in regard to putting on either one kind of cap or another, or indulging in pedestrian politics by walking in or out of the Council Chamber, but to find out the greatest common measures in our political activities. If we cannot get at that, unfortunately, even then we should try to find out the least common multiple in our political ideals and aspirations, for surely, there must be some identity of interest amongst us upon which we all can take our stand in our struggle for freedom (hear, hear, and loud applause). Unless that can be done, it will be difficult for us to bring the necessary pressure upon the Government to secure further reforms. I was talking once to a Home Member of the Government of India, and he said it is not a question of what the British Government shall give Indians but what the latter can manage to take from them (hear, hear). And he was absolutely right, for the moment you bring upon the British Government sufficient pressure by means of weighty public opinion and sound political activities, they shall yield, although they may go on saying that they never will (hear, hear). They will hold out only so long as we cannot exert upon them the requisite amount of pressure by these means and methods. Therefore, the real problem for the Swarajists and the Responsivists, and may I add, even for the extinct volcanoes of the Congress party like my brother Mr. Hasan Imam and myself (loud laughter) is to put our heads together and do what we can towards securing greater freedom for India. I would earnestly hope that the Swarajists (who form the largest party in the Legislative Council) will see to it that by means of co-operation they will succeed in organizing a solid phalanx of at least 53 members who will always vote on the popular side. If that be not done, then even the 40 Swarajists will be able to achieve little real success (hear, hear).

But while dealing with the question of the identity of interests of the various political parties, I may profitably turn, Sir Ali, to the even larger and more important problem of the identity of interests of the two great communities of this country. Now, we must admit that in the last few years this country has been in a sad plight. No Indian patriot can defend or justify what has happened in the disgraceful riots which have occurred in several of our cities. It is our good fortune that in Bihar and Orissa we have, to a large extent, been immune from these disturbances and the result is that here it is possible to bring together (as I have succeeded in doing to-day) the acknowledged representatives of all classes of the community to meet upon a common platform and to discuss questions from a common point of view (hear, hear). But the fact remains that things are still pretty bad in many parts of the country; and it is beyond any doubt that no political progress is possible unless the two great communities coalesce together and assert their common rights as citizens of this great country, irrespective of their differences in faith or creed. Speaking for myself, however, I do not take so pessimistic a view as some of my friends are disposed to do, of the Hindu-Muhammadan problem. Reading history I find that conditions in other countries, not so very long ago, were not different from what they are at present in India. Only last week I was re-reading the famous essay of Macaulay's on The *Earl of Chatham* and I came across a passage depicting the political condition of Great Britain itself in the second half of the 18th century—that is, in the reign of George III—which, I feel sure, will interest you, as having a direct bearing on the question under consideration. Macaulay writes: " The two sections of the great British people had not yet been indissolubly blended together. The events of 1715 and 1745 had left painful and enduring traces. The tradesmen of Cornhill had been in dread of seeing their tills and warehouses plundered by bare-legged mountaineers from the Grampians. They still recollected that Black Friday when all the shops in the city (of London) were closed and when the Bank of England began to pay in sixpences. The Scots, on the other hand, remembered with natural resentment the

severity with which the insurgents had been chastised, the military outrages, the humiliating laws, the heads fixed on the Temple Bar, the fires and quartering blocks on Kennington Common" (hear, hear). So we find that less than even 200 years back, the relations between the Englishmen and the Scotchmen were quite as bad, if not worse, than those between the Hindus and the Mussalmans to-day in India, to say nothing of those between the British and the Irish till the other day. I venture to think, therefore, that it is not impossible that in course of time—and even perhaps sooner than some of us expect—the Hindus and the Muhammadans may come to realise the absolute identity of their political and civic rights and interests. Those of us who are lawyers here have long since learnt to look for "substantial variety" in dealing with matters of proof and evidence, and I think that similarly Hindus and Muhammadans will before long realize the substantial identity of their civic and political interests under circumstantial variety in matters of faith. For, even assuming that the differences between the two communities of our people are great, it is undeniable that those which unfortunately divide us from our British fellow-subjects—who though not technically under the law are practically still the ruling race—are even immeasurably greater. May I place before you one more extract from Sir Frederick Whyte's book? This is what he writes on this momentous question:—"Though the feuds that rage between Hindu and Mussalman, between Brahmin and non-Brahmin, sometimes reach a climax of the fiercest intensity, neither of them had made its mark as clearly upon the proceedings of the Legislatures during the last five years as the inevitable cleavage between the Indian and the European in India. And this must be so, so long as in all matters vital to his country the last word of decision rests with the Imperial Parliament and its servant, the Government of India" (hear, hear). That is the crux of the problem. In such circumstances, our guest Mr. Abdul Aziz, who holds healthy and progressive views, and who has been known to us as an avowed opponent of sectarianism and communalism, is just the kind of representative which the constituencies should return to represent us in the Legislative Councils. I

am sure he will be able to work together with all the other representatives of the progressive school, who are his colleagues—irrespective of considerations of faith and creed, and will do all he can to advance the interests of the province and country as a whole (hear, hear). I hope you will all drink to the health of Mr Aziz, and thus testify to the esteem and regard in which he is justly held by us (loud applause). We wish him an honourable and a useful career in the public life of the province, and we shall watch his political activities with a sympathetic interest (prolonged applause) *

* *Mr. Syed Abdul Aziz was appointed Minister of Education and assumed office on 15th January 1934.*

III

A PLEA FOR JOINT ELECTORATE IN INDIA.*

I have long held the view that the existing discontent in the country, with the system of government which obtains at present, is not solely due to the absence of any real power conferred under the present constitution upon the people's representatives even in the provinces under dyarchy --but also to no small extent to the highly defective method for the exercise of the system of franchise in force, which has had the inevitable effect of dividing the people into religious, racial and economic groups, and thereby accentuating and intensifying the already existing divisions amongst the people of this country. In view of it, I am strongly of opinion that no political reform can be regarded as of any value, which would but serve to stereotype the existing religious, racial and economic divisions, since the one inevitable result of such accentuation is bound to be bitterness, acerbity and strife amongst the various groups and sections, a state of affairs which needs must render the work of the administration extremely difficult, if not almost impossible. I would, therefore, respectfully suggest that in devising the system of franchise for the coming reforms, nothing should be done which may be at all calculated to perpetuate—much less to aggravate—the subsisting divisions amongst the people of India. On the other hand, if I may venture to say so, a serious effort should now be made to so devise the system of franchise that it may enable the various castes, sub-castes, ranks, sections, classes and communities to exercise their electoral right not as belonging to but small groups or circles, bringing to bear upon it a narrow mental outlook, but as citizens of a great Commonwealth actuated by a strong patriotic impulse to live and work as Indians, in the larger interest of the country as a whole.

If this view of the object of conceding political reforms to the people of this country may be assumed to be correct, then the system of franchise should be so

---

* *A press statement on the publication of the Communal Award given by the Prime Minister in 1932.*

devised that it may help to weld the various castes, sub-castes, ranks, classes, sections and communities into one homogenous whole, so far as the work of administration is concerned, and the extent to which it will so help the coalescconce of the Indian people into one Nation should be regarded as the true test of the success of the new system. On the contrary, if the result of the new reforms is but to give mere representation in the legislatures to the various existing divisions or groups, without any attempt to bring about their fusion for administrative and legislative purposes, in the higher interests of the country, then the political concessions will have failed to achieve their object. It cannot be denied that not only the task of administration has been rendered extremely difficult, during the last decade, as the result of the tension due to the present system of franchise, but there has resulted from it much misery to the people and it has also caused considerabe anxiety to Government. It should, therefore, be the primary object of the forthcoming reforms to check the further growth of centrifugal forces and to divert them into centripetal channels.

II

The Macdonald award is a highly interesting document, look at it from whatever view-point one may. While it is perfectly true that the British Government being solely responsible—during the Morley-Minto regime—for the introduction of separate electorates as a method for elections to legislatures, cannot equitably relieve itself of its great moral responsibility for the abolition of this pernicious system from the administration of the country, yet it must be conceded that the strength of the opposition to the award now made is bound to be weakened in the eyes of all reasonable people by the failure of the Round Tablers to come to a satisfactory settlement amongst themselves, and their agreeing to submit the matter to the arbitration of the Prime Minister. The important factor cannot and should not be ignored in any attempt at a fair criticism of the award and, in the circumstances, it is idle to impeach the *bona fides* of Mr. Macdonald's. But making full allowance for it, the fact remains that the award

announced means a death-blow at the smooth working of responsible and democratic government in this country, and the installation in its place of either communal or combined-groups' government, the result of which, in the long run, is bound to be disastrous in the work of administration. Without being unduly pessimistic, I cannot conceal from myself the apprehension that the system now sanctioned will accentuate the already disruptive factors in the country, intensify the working of the centrifugal elements in our public life, thwart and ultimately suppress the present, rather weak, centripetal forces, and divert the proposed constitution from that of the responsible type into one which will be just the reverse of it, by reason of its evoking an anti-nationalistic spirit in the administration.

I have expressed the view that the document is highly interesting in my opinion. That is so to me, both in form and substance. Its form is rather amusing in that while providing representation for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans (British or Russians, as the case may be), the depressed classes, commerce and industry, mining and planting interests, landlords, labour, universities and (last but not least) even our women—for all (in fact) except labour, by means of separate electorates—the award insists throughout the document upon using the expression 'general seats' meaning thereby those reserved for the Hindu males (and the allied group of Jains) and the Parsis. As the latter are residents in only one province (Bombay), the term 'general seats' must be taken to mean, for all practical purposes, the Hindus. Stripped of this verbiage which limits the Hindus themselves to representation by means of separate electorates, and considering the separation of all others, except labour, the number of separate electorates—at present but a few—will be substantially increased in future to as many as fourteen, and this fragmentation will be unfortunately based not only on racial lines (as between the British and the Indian), but also on religious and economic ones, as enumerated above. While it is a matter for thankfulness that labour has been saved the inherent evils of separate electorates, yet the deliberate dismemberment of the body politic into as many as

fourteen racial, religious and economic factions and groups is obviously a system which is not only anti-national, but anti-rational as well, yet all the while retaining the expression 'general seats' for practically one religious community only—the Hindus—and insisting upon its use as if it could possibly mean the vast bulk of the body politic, is characteristic of Mr. Macdonald's pawky Scotch humour, which appeals to me most.

III.

Coming to the substance of the document its redeeming feature seems to be that it is not obsessed with any such irksome thing as a principle, and it makes no attempt as conforming to any precedents or political dicta laid down by other high authorities. In the face of the emphatic declaration, for instance, in the Montagu-Chelmsford Report, deprecating extension of representation through separate electorates, the award confers this privilege on all and sundry—including, in its benign sweep even poor Indian women, who had strongly and strenuously offered resistance to this proposed blessing. Similarly, in utter defiance of the strong expression of opinion recorded by the Simon Commission, in their report, that 'it would be unfair that Mahommedans should retain the very considerable weightage they now enjoy in six provinces, there should at the same time be imposed—in face of Hindu and Sikh opposition—a definite Muslim majority in the Punjab and Bengal, unalterable by any appeal to the electorate', that is, what has been actually done, in substance, though not in form. Then, again, while the 32 per cent. Muslim population of Assam have been given weightage at 40 per cent., the nearly 28 per cent. of the Hindu population in the Punjab have not only got no weightage, but even slightly less than the proportion of their population. Lastly, while there is a clear indication of a separate administration for Sind and the figures for the Sind legislature are worked out in detail in the award, there is no such suggestion for a separate administration for Orissa. Such instances of want of any definite principle may easily be multiplied—perhaps the most glaring of which is the main-

taining of weightage of 30 per cent. for the Muslims in the United Provinces, who constitute 13 per cent. as compared with the 18 per cent. now granted to the Sikhs in the Punjab, who also total the same. There can be thus little doubt that the award does not rest on any sound principle.

Judged, therefore, from the nationalist standpoint, the award is obviously as bad as it could be, while from the communalist point of view it must be declared to be an almost ideal award conceivable. If, in spite of it, the communalists say that they have not got all that they wanted and that they are still dissatisfied with it, one may reasonably take their declaration *cum grano salis.* The serious defects and great limitations of the award being obvious, from the nationalist standpoint, the progressive parties in the country must now be prepared to face the situation. It yet remains to be seen what the provincial constitution is going to be—whether it will be of the genuine type, or a mere counterfeit presentment of what a responsible government should be. If the former, it may be possible to work it, more or less satisfactorily, in spite of the great handicap underlying the institution of separate electorates on so extensive a scale ; but if the constitution itself is going to be seriously defective—reserving almost extraordinary powers in the hands of the governor—then one may bid adieu to the prospect even in the dim distant future of a peaceful solution of the Indian problem. I say so, for I am not at all impressed by the suggestion of the revision of the system now introduced after ten years, as the now long experience of the working of the separate electorate system for more than twenty years clearly shows that once a commodity has acquired some such vested right or interest, it cannot be induced to give it up. I am not, therefore, optimistic enough to persuade myself that the extraordinary concessions (now, justly or unjustly) made to communalists will be given up by them at the end of ten years.

IV

THE SIMON COMMISSION AND INDIAN NATIONALISM: A BLESSING IN DISGUISE.

We are in the midst of a great political upheaval, brought about by the announcement of the appointment of an all-British Commission, to work out the future constitution of India. If it be—as many Indians believe—Britain's mission in India to act, from time to time, as a wholesome and beneficial irritant to the growth of Indian Nationalism, then the Tory Government may well be credited with having once more discharged that duty effectively. It is not surprising, therefore, that having made a careful survey of the unprecedented situation so created, educated Indians have felt it to be their duty to state as clearly as they can their position and opinion at this juncture in the history of their country. Public opinion seems to be almost unanimous that the appointment of an exclusive British Commission can not but be regarded as a studied and calculated affront to India and a direct challenge to Indians in the matter of their indefeasible right to assist, on an equal footing with British representatives, in the shaping of the future constitution of their country. It would serve no useful purpose at this stage to re-open the question whether a Round Table Conference—such as public opinion demanded—or a properly constituted Royal Commission would have been the most suitable machinery for the purpose. However that be, there is general agreement that the kind of Commission the British Government have chosen to appoint is not only highly arbitrary and grossly unfair to the inherent rights of the people of India, but that it is an arrogant assertion of British Imperialism and an absolute negation of India's right to take a prominent part and assist materially in the framing of her own constitution. The popular demand on the subject stands embodied in resolutions twice

adopted by the Legislative Assembly, with almost the unanimous concurrence of the elected Indian members. But apart from that, it is indisputable that all political parties and communities in the country had made it abundantly clear that they insisted upon the appointment of suitable Indian representatives, of equal status with the British, on any Statutory Commission to be constituted. In the circumstances, the total exclusion of Indians from the Commission is an arrangement which—howsoever convenient or acceptable it may be from the British standpoint—is not one in which any self-respecting Indian can at all acquiesce, much less accept as the final decree of Fate; for every thinking Indian feels that (in the words put into the mouth of Shylock by Shakespeare) His Majesty's Government have but 'scorned my nation.'

In coming to this conclusion educated Indians *have* done—what they have been repeatedly asked to do—*viz.*, kept in view the scheme "as a whole," and have carefully considered the proposals about the Committees of the Central Legislatures and the Provincial Councils, on which His Excellency the Viceroy and the parliamentary leaders have expatiated in their statements and speeches made in connection with the appointment of the Commission. But it is clear on the face of it that the members of these Committees will not at all have the status—even ever so remotely—of that of the members of the Commission. They will not have—for they cannot have as outsiders—any access to the notes, minutes and other confidential documents which will be submitted to the Commission by the Central and the Provincial Governments, and will thus be unable (for want of inside knowledge) to meet the case that may be attempted to be made out against our political progress. Nor will they have vote or even any controlling voice in formulating the Commission's recommendations—the proposed Committees being purely consultative bodies. At best, these Committees will but say their say and then await the acceptance or the rejection of their views, just as the Commission—or later the Joint Parliamentary Committee—may please. In my opinion, therefore, no more humiliating a position for these proposed Committees of the various legislatures

could possibly be conceived, and I shall be surprised if a large number of members of the Central and the Provincial legislatures would be found willing to exercise their right for this purpose. For these reasons the educated public was justified in having unhesitatingly expressed its conviction that the Commission is wholly unacceptable to the thinking and politically minded Indians, and as it has been constituted on the principle of a complete boycott of them, no self-respecting Indian can or should have anything to do with it, the best course thus obviously being to leave it severely alone.

But the grounds set forth for the extraordinary, indefensible and objectionable course adopted by the British Government are calculated, in my opinion, to still more deepen the sense of India's grievance. To say—as Mr. Baldwin did in the House of Commons—that the absolute exclusion of Indians is "a broad question of principle," is bad enough in all conscience. But to have bracketted—as His Excellency the Viceroy has done—the demand for Indian representatives with that of the representation of the British services and to say that if the former were to be appointed the latter also must, of necessity, be given representation on the Commission—in other words, the assertion that in the framing of the Indian constitution the representatives of the people of this country should enjoy no better or higher a status than that of the British services—is justly regarded as adding insult to injury, since it enunciates a proposition which Indians can never accept as politically sound. As for the view propounded that Indians had to be excluded as they are bound to be biased in favour of their claim to self-government, can it not be asserted with even greater show of reason that British representatives—albeit they be members of Parliament—are no less interested, by reason of their conscious or unconscious bias, in retaining Britain's hold over this country, and are thus not qualified for their task, unless it be in co-operation on equal terms with Indian representatives of equal status with them? Read between the lines, the Viceregal pronouncement and the statements of the parliamentary leaders and others—including the supporters (in the British and the Anglo-Indians press) of the Commission,

as constituted—clearly imply that the view underlying the appointment of the exclusive British Commission is that the question of the political progress of India is one to be determined by the British Parliament and the British Parliament alone, and in which, therefore, India can not expect to have lot or part. I emphatically join issue with this view and repudiate any such unwarranted assumption. On the contrary, I maintain that although the British Parliament may enact legislation for India—as it did for Canada, Australia, South Africa and (last but not least) Ireland—the scheme to be embodied in any Indian Reform Bill must be one which should have been evolved as the result of the joint deliberations of Indian and British representatives of equal status as members of a Commission, acting together on equal footing, with equal powers and privileges. Lastly, if a mere expected unanimity of opinion be the criterion in the appointment of the Commission—which, it has been said *ad nauseum*, would have been jeopardized by the representation on it of Indians—it would be distinctly interesting to have it authoritatively declared whether Sir John Simon (the Liberal leader) and his six colleagues, drawn from the Conservative and the Labour parties, have already given, in any shape or form, an undertaking or an assurance of presenting a unanimous Report! Thus put, this proposition has but to be stated to be rejected.

Surveying the situation carefully and anxiously, it seems that the British Government have but taken advantage of the unfortunate prevailing communal tension in the country to appoint a purely British Commission at a time when they believe our political forces to be at the weakest, and they evidently count upon the division in the Nationalist ranks to be able to work out a scheme which would perpetuate their hold upon the country. Further, the statement of Sir John Simon that "the Commission will not go to India with the idea of imposing Western ideas on constitutional reforms from without," seems to me to be highly significant and pregnant with the suggestion that under the guise of restoring or reviving some alleged indigenous system an attempt will be made to abrogate

even the meagre Reforms already introduced. At any rate the constitution of the Commission—the personnel of which has been justly subjected to animadversion by the London *Observer* and even by some of the leading Anglo-Indian papers—can leave no manner of doubt in the Indian mind that there is not even a semblance of genuineness to accelerate the pace of India's progress towards the goal of responsible government. In the circumstances, the only proper and dignified course open before a self-respecting people can be to have nothing to do (at any stage or in any form) with the Commission, precisely in the same way as the British Government has chosen to treat us by our complete exclusion from a body appointed to determine the future political destiny of our country.

Last but not least, I venture to hope that this crowning piece of deliberate wrong to the self-respect of our country may drive home to the Indian people the conviction that the foisting of a Commission of this character is but the inevitable result of our internecine feuds and factions, and that a people so much divided amongst themselves that the Indians are at present, must necessarily fall victims to the machinations of those who are vitally interested in perpetuating their hold on this country and who are, therefore, only too ready to take advantage of any opening in our ranks. If the appointment of an all-British Commission will even now open the eyes of my countrymen to the irretrievable loss that India has already sustained by reason of the working of the disruptive forces that are in the ascendant amongst us, and make them realize the essential identity of their political interests, it would be a blessing in disguise. It is time, therefore, that our communal strife were at an end, that healthier influences gained ground in our public activities, and that political cohesion again asserted itself in the ranks of all public workers, as also amongst the masses, in the country. I hope that the appointment of the purely Parliamentary Commission with its deliberate boycott of Indians may prove the "soul of goodness in things evil," and restore to us our lost political unity, by the coalescence into one compact body, one solid phalanx, of the various political, communal factions in which the Indian body polity has

disintegrated at present. This is the one great lesson that we have to and should learn from the action of the British Government in appointing the all-British Commission. But there is yet another and even a more useful lesson that we can and should learn from this incident. It is that embodied in the soul-stirring lines of Wordsworth, which all of us would do well ever to keep in mind :—

> 'Tis well ! from this day forward
> we shall know
> That in ourselves our safety must be sought,
> That by our own right hands it
> must be wrought,
> That we must stand unpropped or be laid low,
> O, dastard, whom such foretaste doth not cheer !

V

HIS MAJESTY'S PROCLAMATION ON REFORMS.*

My Lord,—I rise to move the Resolution which stands on the Agenda paper in my name and which runs as follows: —

"That this Council recommends to the Governor-General-in-Council that he may be pleased to transmit, through the proper channel, to His Majesty the King-Emperor, the following humble representation:—'That this Council begs leave to tender to His Most Gracious Majesty the King-Emperor its dutiful homage and loyal devotion and to express its sense of profound gratefulness for the Royal Proclamation issued by His Majesty on the memorable occasion of his having given his Royal assent to the Government of India Bill, declaring, as the Proclamation does, noble and lofty principles of government which are to guide in future the policy of His Majesty's officers to enable the Indian nation to attain full responsible government and full political freedom as an equal member of the British Commonwealth.' "

My Lord, I do not think I need make any apology for my having brought up this Resolution on this the first day of the opening session of this Council, for the very simple reason that as your Lordship was pleased to observe in the course of your very exhaustive inaugural address delivered this morning this Proclamation has been acclaimed by the people of India throughout the length and breadth of the country, and I felt I should be wanting in my duty if I did not put forward this Resolution which represents the unanimous opinion of the people of India in regard to the Proclamation so graciously issued by His Majesty. My Lord, had it not been that the time at my disposal is limited, I would

---

* *Speech made in moving a resolution in the Imperial Legislative Council, Delhi, on the 30th January, 1920 "that the Council do convey to His Majesty the King-Emperor the expression of its dutiful homage for the Proclamation of the 23rd December 1919."*

have read out to the Council a large number of extracts from the leading exponents of Indian public opinion in the various provinces, which would support my view that even papers, which are regarded as very advanced in their views on questions of Indian self-government, have all unanimously and with one voice expressed their heartiest welcome to His Majesty's Proclamation as embodying and laying down principles of a lofty and noble character alike for the guidance of His Majesty's officers and His Majesty's subjects in this country. I shall content myself with reading two short extracts from two leading papers, one of Calcutta and one of Bombay, to satisfy the Council that what I claim is a fact beyond dispute; I read from the *Bombay Chronicle* which says:—

'All India will gratefully welcome the Proclamation of the King-Emperor, heralding as it does the opening of a new epoch in the history of India.........The words of the Proclamation reveal a loftiness of purpose which will touch the hearts of the people, because it is something more than a ceremonial announcement about the Royal Assent which is given to the Reform Act'.

I shall also read one short passage from a paper which is generally regarded as a very advanced journal in this country, namely, the *Amrita Bazar Patrika*, so well-known to my friend, the Hon'ble Sir William Vincent. It says:—

'The Proclamation of His Majesty the King will be read with thrilling interest throughout the length and breadth of India. We have no doubt that the people of this country will heartily respond to the appeal of His Majesty whose genuine sympathy for the aspirations of his Indian subjects is well-known'.

My Lord, I could multiply similar extracts from other leading nationalist papers in various parts of the country, but these two short extracts will, I am sure, satisfy the Council that I am justified in saying that all shades of Indian public opinion are absolutely unanimous in according a very hearty welcome to His Majesty's Proclamation. I may also say here that it has been to me a matter of very great gratification to find that, with one single solitary exception, all the

leading Anglo-Indian papers have taken a similar view and have expressed an equally hearty application of the terms of His Majesty's Proclamation. This is not the occasion, my Lord, to raise any controversial topic, and I shall, therefore, refrain from making any comments about the conduct of the one leading Anglo-Indian paper of Calcutta, which has utilised the Royal Proclamation for an attack on Mr. Montagu, in language which I would not care to characterise. Now I have no desire to confer cheap immortality on that paper by referring to it by name, but those who have read its three leading articles will agree with me that it has shown—to say the least of it—very scant courtesy to His Majesty's Proclamation by calling it, as it has done, a political manifesto of Mr. Montagu, an allegation which I entirely repudiate and deny. I also say this, not in anger, but in sorrow, that I have not seen any one of my British fellow subjects entering a protest against the kind of language employed by a leading Anglo-Indian paper in regard to His Majesty's Proclamation. But with that one single exception, I claim that Indian and Anglo-Indian opinion as expressed in the press of India and in the resolutions adopted by the various political bodies is emphatically unanimous in welcoming the Royal Proclamation as a document of very great historic importance. I shall not, therefore, trouble the Council with any further observations in justification of my placing before it my Resolution.

My Lord, the Resolution which I have read out is in three parts. In the first, I am requesting your Lordship's Government to transmit our humble representation on behalf of this Council to His Majesty the King Emperor. From the fact that your Lordship, as President of this Council, has admitted the Resolution exactly in the terms I drafted it, I take it that your Lordship's Government will be pleased to accept the Resolution. The next part of the Resolution tenders to the King-Emperor our dutiful homage and loyal devotion, and then gives expression to our opinion about the Proclamation itself. Now, I believe, it is regarded as a convention that whenever British subjects approach their Sovereign with a representation, they

first tender to him their loyal devotion and dutiful homage, but I assure your Lordship that so far as we Indians are concerned, we do not regard it as a mere formality. We take it as an obligation and a duty to our King-Emperor George V, who has taken such a deep and abiding personal interest in the affairs of his Indian subjects, and we deem it a privilege to offer to him, on occasions like these, our dutiful homage and loyal devotion. I have been, since the Resolution was admitted, looking into some literature upon the subject, and I have tried to find any important speeches by any Viceroy or Minister of State in proposing the toast of the King-Emperor. I have found curiously enough very little upon it as, I believe, it is regarded as customary to propose the King's toast at the end of banquets. I once asked a Scotch friend of mine why no speeches were made, as a rule, in proposing the King's toast, and he said: 'we take our loyalty as a matter of course, and there is no occasion for us to make any speeches or to express our views in regard to our loyalty '. Now that may be the right course to take for the British subjects of His Majesty, but in the case of his Indian subjects,—even though your Lordship declared in the Joint Report on Constitutional Reforms, that although Indians criticised freely and frankly and sometimes in strong language the actions of His Majesty's officers in this country, their loyalty is above suspicion—I nevertheless think that on an occasion like this a few observations will not be irrelevant in regard to the reasons why we all are most profoundly loyal to the King-Emperor.

Now, my Lord, looking into this matter I lighted upon some very happy and apposite observations of your Excellency's distinguished predecessor, Lord Curzon, made by him in this very city of Delhi on 1st January 1903, on the occasion of the State Banquet given by him when he held the Durbar to proclaim the accession to sovereignty of His late Majesty King-Emperor Edward VII. In proposing the Royal toast Lord Curzon said :—

'....This Indian possession of His Majesty is no mere dead-weight tied on to the heels of the British Empire, but

a Dominion, a Continent, an Empire by itself, rich in its own personality and memories, self-confident in its own strength, and aglow with abundant potentialities for the future. To be the King of the United Kingdom and of the British possessions beyond the Seas is a great and noble title. But to be Emperor of India is in no respect less, and is in some respects greater. For powerful Empires existed and flourished here, while Englishmen were still wandering painted in the woods, and when the British Colonies were wilderness and jungle; and India has left a deeper mark upon the history, the philosophy,* and the religion of mankind than any other territorial unit in the universe. That a British Sovereign should in the fulness of time have been able to do what no predecessor of his ever accomplished, what Alexander never dreamed of, what Akbar never performed, namely, to pacify, unify, and consolidate this great mass into a single homogeneous whole, is, in my judgment, the most impressive phenomenon in history, and the greatest wonder of the modern world'.

I think, my Lord, that although these words came from one of His Majesty's British subjects, every Indian subject of His Majesty will equally gladly subscribe to these observations of Lord Curzon, and it is exactly in that light that we regard our King-Emperor, as the head of a great system of administration under which it has been possible for India to become in the course of less than a century a nation. There are, no doubt, various reasons which appeal to various minds on the basis of which each Indian is loyal to the King-Emperor. Loyalty, however, being a subjective feeling, I shall leave it to my colleagues to express each in his own way his grounds for his loyalty to the King-Emperor. But, for my part, the real reason why His Majesty's rule and that of his predecessors has appealed to me is that it has enabled the people of India who, till this country passed under the Crown, were a congeries of different nationalities, races and tribes, to have become a single nation. On that point I do not think I should express emphatically my own opinion, because I find that a gentleman, to whom your Lordship referred this morning in terms of deservedly high appreciation, namely, Lord Meston, made some very striking observations in the House of Lords in the course of the debate on the Government of India Bill. He said ;—

"What lies behind and below the whole of the political difficulties in India, is the spirit of nationalism, a spirit bred in the soil, nurtured.........by our own methods and our own examples, and spreading rapidly through all ranks and classes. I say deliberately all ranks and classes, because I have been watching its operations now for over thirty years. It, of course, permeates the professional classes, with whom it originated. That is accepted. But it is also going deep into the trading and monied classes. A few years ago they had nothing whatever to do with politics, but they are now a prominent feature in all political organisations, and it is very largely their money which finances the nationalist movement. It has also spread to the landed classes".

So that it is quite clear, as Lord Meston puts it, that a national spirit is permeating now all ranks and classes in this country. Beginning with the professional classes, it has filtered down to other strata and even to the masses. That is absolutely incontrovertible, and, I think, your Lordship will agree with me that of all the titles to honour of our King-Emperor and of his claim to our loyalty and devotion to him, the greatest is this,—to have found the Indian people divided into races, tribes, ranks and classes and moulded them by means of education, training and culture into one great homogeneous, political whole. It is on this ground that I have retained the words in my Resolution as expressing our real sentiments of loyal devotion and homage to the King-Emperor, and not merely by way of a customary convention or formality.

I shall now say a few words about the Proclamation itself, but before I do so, I desire to clear the ground by pointing out two omissions advisedly made by me from this Resolution. Although there is much in the Proclamation about Royal clemency, I have not referred to that part of it, for the simple reason that, although the question of Royal clemency is a very important one at present, it will not be one of any permanent interest in time to come. The subject of Royal clemency also figures at length in Her Gracious Majesty Queen Victoria's Proclamation, but although we all remember certain important passages from that historic and memorable document, no one to-day remembers or tries to recall what is said in it about the grant of amnesty.

Similarly, after your Lordship has been pleased, as I hope your Lordship will be, to extend, on behalf of the King-Emperor, the Royal clemency as freely as possible, this particular question will not be a matter of importance hereafter. But in regard to the policy laid down in the Royal Proclamation, there are statements made therein in regard to the wishes of the King-Emperor which are binding upon all subjects, and those declarations are and will be invaluable for all time to come. It is, therefore, that I have made no reference in my Resolution to the subject of Royal clemency.

I have also advisedly refrained from putting in anything in this Resolution about the Government of India Act. The reason is not because I am afraid of the question being discussed as to whether that measure is a little thing or a big thing, but because I quite agree with my esteemed friend, the Hon'ble Mr. Sastri, who in an article contributed by him to Mrs. Besant's paper, published in England called *United India*, rightly points out that "rules have to be framed under no fewer than seventeen sections of the Bill and some of these are of capital importance, while many involve matters of intricacy. The Selborne Committee have in addition recommended that as many as twelve different matters must be investigated in India and the data for their settlement furnished in definite shape before the new Act could be brought into operation." And he then gives a note of warning by saying : "It is a commonplace that the Morley-Minto Reforms were rendered unpopular by the rules framed by the Government of India" Now I do not take Mr. Sastri to mean, nor do I mean it myself, that there is any reason to apprehend that the rules and regulations to be framed under the sympathetic guidance of my friend, Sir William Marris, will partake of the nature of those framed ten years back by the Government of India. At the same time, it is quite clear that this Act is incomplete in itself. It is admittedly a skeleton measure, and unless we have got before us the complete material, namely, the rules and regulations, it is not fair to any one to express our definite opinion about it. It is with this aspect in view that I have omitted any reference to the Government of India Act. But

I would point out that, whatever view we may take of the new Statute, whether we regard it, as I am told some people do, as a little thing, or whether we regard it, as I am told some other people do, as a big thing, no honest man but will concede that an Act of Parliament, which introduces for the first time in the history of British India an element of responsibility in the Provincial Governments, for the people to work up to for their full political freedom in course of time makes the occasion a memorable one. It is, therefore, that I say that the occasion of the passing of the Act was a memorable one. and it was with a rich and rare political instinct that His Majesty the King-Emperor has issued this Proclamation which we all welcome so much as a new Charter of our legitimate goal and aspirations.

Now, my Lord, coming to the Proclamation my thoughts naturally go back to the other great Proclamation, which is referred to by His Majesty in the present one, namely, that of Her Majesty Queen Victoria. That Proclamation has a history of its own, and because certain incidents which occurred in regard to that Proclamation may have, in future, some bearing on the present one, I wish, with your Lordship's leave, to say a few words about them. It has been contended by some people that His Majesty's Royal Proclamation is really the Act of his Ministers and that it is, therefore, open to us to take it in that light. My contention is that this view is untenable. I urge that a Royal Proclamation is principally an act of the Sovereign, although a constitutional monarch like our King-Emperor naturally acts on the advice of his Ministers. We know that in the case of Queen Victoria's memorable Proclamation Her Majesty took a special personal interest in the draft which was being prepared. Lord Morley refers to the fact in the Appendix to the collected edition of his Indian speeches, and an important communication on the subject is to be found in the *Letters of Queen Victoria*, Volume III. Writing to the Earl of Derby under date 15th August, 1858, Her Majesty said :—

'The Queen has asked Lord Malmesbury to explain in detail to Lord Derby her objections to the draft of Proclama-

tion for India. The Queen would be glad if Lord Derby would write it himself in his excellent language, bearing in mind that it is a female Sovereign who speaks to more than one hundred millions of Eastern people on assuming the direct government over them, giving them pledges which her future reign is to redeem, and explaining the principles of her goverument. Such a document should breathe feelings of generosity, benevolence, and religious feeling, pointing out the privileges which the Indians will receive in being placed on an equality with the subjects of the British Crown, and the prosperity following in the train of civilization.'

This very remarkable document clearly shows that Her Majesty took a great personal interest in the matter, and I have the authority of Lord Morley that the last sentence of the Proclamation was the Queen's. Curiously, in spite of the declarations made in the said Proclamation, when many years later a controversy arose in regard to the amendment of the Code of Criminal Procedure about certain matters which I need not refer to in detail at present, a distinguished predecessor of my friend, the Hon'ble Sir George Lowndes —Sir James Stephen—expressed certain views about it which gave a very rude shock to the people of this country. Sir James Stephen propounded the view that " the Proclamation has no legal force whatever", and that though "as a ceremonial, the Proclamation may have been proper, but in any other point of view it is a mere expression of sentiment and opinion". This declaration of an ex-Law Member gave a profound shock to the people of this country who had come to regard Her Majesty's Proclamation as a solemn pledge given on a very memorable occasion. The matter naturally attracted very great attention and I find from the proceedings of this Council that when the debate came to be summed up by the President, the late Lord Ripon, to whom India will always be grateful for the many reforms he introduced, made these very striking observations on the views expressed by Sir James Stephen:—

"When Sir James Stephen goes on to maintain that a Proclamation issued by the Sovereign of England and of India is only a ceremonial..............a mere formal utterance of sentimental phrases of no binding force or practical effect whatever, I cannot too emphatically express my dissent. To

me it seems a very serious thing to put forth to the people of India a doctrine which renders worthless the solemn words of their Sovereign, and which converts her gracious promises..............into a hollow mockery.

The document is not a treaty—it is not a diplomatic document; it is a declaration of principles of government which, if it is obligatory at all, is obligatory in respect to all to whom it is addressed. The doctrine, therefore, to which Sir James Stephen has given the sanction of his authority I feel bound to repudiate to the utmost of my power. It seems to me to be inconsistent with the character of my Sovereign and with the honour of my country ".

These are noble words, nobly spoken. Some years later the matter again came up, in a different form, in this Council. This time it was not about the effect or validity of the Proclamation as a whole, but about certain words in it and it was Lord Curzon who, speaking in the course of his seventh Budget debate speech on the 29th of March, 1905, with reference to certain observations of my late lamented leader, Mr. Gokhale, said :—

" He (Mr. Gokhale)... ....referred to the Act of 1853 and the Queen's Proclamation of 1858. I am familiar with both these documents, and I also remember—which those who quote them sometimes forget—that the late Queen's words contained a qualification, not indeed modifying their generosity, but limiting their application by the necessary tests, firstly of practical expediency, and, secondly, of personal fitness ".

My Lord, these words of Lord Curzon also were regarded by his Majesty's Indian subjects as unduly emphasising, if not practically imposing, an unwarranted limitation upon the Queen's Proclamation, and the matter attracted the attention of the then Secretary of State, Mr. John (now Lord) Morley, with the result that shortly after Lord Curzon's pronouncement, Mr. Morley, speaking in the House of Commons, in 1906, said :—

" I think those words " so far as may be' have been somewhat misinterpreted in the past. I do not believe that the Ministers who advised Queen Victoria in framing one of the most memorable documents in all our history meant those words to be construed in a narrow, restricted or pettifogging sense. I do not believe that Parliament ever intended

this promise of the Queen should be construed in any but a liberal and generous sense ".

I have referred, my Lord, briefly to the historical facts and incidents about Queen Victoria's Proclamation so that it may not be possible in future for any one either to impugn the validity or try to limit the scope either of Queen Victoria's Proclamation or the Proclamation of our King-Emperor George V.

Now, my Lord, I do not think I should detain the Council at any length on a question of this character, which is non-controversial, and I shall say a few words about the Proclamation itself. The Proclamation, as I have said in the Resolution, lays down noble and lofty declarations of policy, and I particularly invite the attention of the Council to paragraph 5, for reading out the whole of which I make no apology :—

"With the same sympathy and with redoubled interest I shall watch the progress along this road. The path will not be easy and in the march towards the goal there will be need of perseverance and of mutual forbearance between all sections and races of my people in India."

"I am confident that those high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interests of the masses who cannot yet be admitted to franchise. I rely on the leaders of the people, the Ministers of the future, to face responsibility and endure misrepresentation, to sacrifice much for the common interest of the State, remembering that true patriotism transcends party and communal boundaries and, while retaining the confidence of the legislatures, to co-operate with my officers for the common good in sinking unessential differences and in maintaining essential standards of a just and generous government. Equally do I rely upon my officers to respect their new colleagues and to work with them in harmony and kindliness; to assist the people and their representatives in an orderly advance towards free institutions; and to find in these new tasks a fresh opportunity to fulfil, as in the past, their highest purpose of faithful service to my people.'

I do not think, my Lord, if I may say so without the least impertinence to my King-Emperor, it is possible to have put better in one short paragraph ideas of such profound wisdom affecting the current and even future

problems of this country. If only both the races in India—His Majesty's British subjects and Indian subjects—will constantly keep these words of wisdom in mind and proceed upon the lines laid down by His Majesty, I am sure we shall be all the better for it in future.

My Lord, I have been all my life a staunch—a very staunch—optimist; although I have for many years seen the country pass through stages of political repression which have placed, from time to time, a very great strain on our loyalty to King-Emperor's Indian Government. But in spite of all that I have always believed that, notwithstanding the repressive measures and the misguided policies resorted to by the Indian Government, our King-Emperor's rule is the one great instrument of our political salvation, the one mighty lever by means of which the people of India will be raised to a higher destiny and to their right place in the scale of nations. It is, therefore, that I feel enthusiastic about the King Emperor's declaration of policy in his great Proclamation. I am sure His Majesty's officers also will obey the Royal command and respect the Royal wishes. His Majesty very properly says that India is on the threshold of a momentous epoch in her history. 'A new era is opening,' says His Majesty and I for my part am quite prepared to obliterate the past if His Majesty's officers in this country also will turn over a new leaf. It seems to me, my Lord, that what is wanted now, is that all sections of the people, all His Majesty's subjects, should really co-operate in the right spirit. Unfortunately co-operation in the past, if I may say so, has often been misconceived and misconstrued. I am not talking of places like Calcutta, Madras or Bombay, or Provincial capitals where exists influential public opinion; but in the mufassal—which means practically the whole of India—co operation has often been regarded by the officials as more or less synonymous with subservience on the part of non-officials. I earnestly hope that the words of His Majesty that his officers will in future treat their non-official colleagues as their equals will be kept in mind by them; and if this is done I am sure the chances of misunderstanding between the

two sections will be materially reduced. The situation demands great forbearance on both sides, and I sincerely wish that both will rise to the occasion. It seems to me that in the critical period of our trial, both officials and non-officials should keep in mind the memorable words of the great American poet, Lowell, which are singularly appropriate in view of the King-Emperor's injunctions in his Royal Proclamation :—

> 'New occasions teach new duties, time makes ancient good uncouth;
>
> They must upward, still and onward who would keep abreast of Truth;
>
> Lo! before us gleam her camp-fires, we ourselves must pilgrims be ;
>
> Launch our Mayflower and steer boldly through the desperate winter sea,
>
> Nor attempt the future's portal with the past's blood-rusted key.' "

II.

In reply to the observations of his colleagues Mr. Sinha spoke as follows :—

My Lord, I think I have every reason to congratulate myself on the trend of the discussion on the Resolution I have had the honour to move to-day. Barring a few trifling criticisms, the tone of the debate has been in approval of the lines on which I placed the Resolution before this Council. I shall, therefore, be very brief in these my final observations. My thanks are particularly due to the Hon'ble Sir William Marris, who spoke on behalf of your Lordship's Government, for the view he took alike of the Resolution and the speech I made in explaining it. He was certainly right in thinking that my intention in reading the whole of paragraph 5 of His Majesty's Proclamation was to show that the responsibility created was not at all one sided. I certainly accept the position that the responsibility cast upon non-official Indians is now as much, if not greater, than that on the officials, and I am grateful to Sir William for taking that sympathetic and correct view in regard to my submission on this particular point.

Next, I desire to thank my esteemed colleagues the Hon'ble Mr. Crum and the Hon'ble Mr. Paton for the assurance they have given, that whatever their attitude may have been in the past towards Indian reforms and Indian problems, whatever their view of the Government of India Act when it was a Bill, now that the measure has received the Royal assent, they, as the representatives of the most influential section of the British non-officials in the country, will do all that lies in their power to make the Act a success by co-operating with the Indians, as His Majesty expects them to do. This assurance, my Lord, will certainly go a long way towards improving matters, and in the light of it we are prepared to forgive our Indo-British fellow-subjects for their regrettable attitude in the past in keeping themselves aloof from Indian public affairs.

I have now a word to say about the criticisms which have been made upon my Resolution by my esteemed friend and leader, the Hon'ble Mr. Surendra Nath Banerjea. I think—if I may say so—that the Hon'ble Mr. Banerjea was a trifle hyporcritical in the attitude he adopted towards my Resolution. But I make no grievance of that. I have sat at his feet for the last thirty years, and it is his privilege as my political *guru* to take me to task for my real or alleged omissions. I find, however, that the Hon'ble Mr. Rangaswami Ayyangar also has found fault with me for my alleged omission in not having complimented the British press on its attitude in exposing matters connected with the Punjab embroglio. Well, then, all I can say is that when the Hon'ble Mr. Banerjea and the Hon'ble Mr. Ayyangar see eye to eye on any particular question, —even on my omissions—there is hope for Mother India.

Coming specifically to Mr. Banerjea's criticisms, I must frankly state that I was guilty of a serious omission in not saying anything in my opening speech in regard to the visit of His Royal Highness the Prince of Wales. My explanation, which I am sure the Council will accept, is this. I had brought with me a cutting of His Royal Highness' speech at the Mansion House to show what a sympathetic interest he was taking in

the affairs of this country, and I was going to say that India will accord him a right royal welcome when he comes here. It was only because I found my time was up that I did not refer to the matter. If in your Excellency's discretion as President any clause on the subject may be added to the Resolution, I shall be the first person to accept it. But in regard to the two other points on which Mr. Banerjea found fault with me, I have, after a careful consideration, to state that I cannot see my way to yield to his contentions on them. The first was about the amnesty. Although as I said, the amnesty is at present a very important matter, yet I did not feel justified in bringing it up as a part of my Resolution, because, after all, it is a matter of ephemeral interest. Mr. Banerjea's other criticism that I did not thank certain gentlemen, including your Excellency, for the part taken by your Excellency and those others in the framing of the Reform Scheme, seems to me even more untenable. I must frankly state that your Excellency being in the chair, it is placing me at some disadvantage by raising personal issues. But I may say at once that it never occurred to me, nor does it occur to me now even after hearing Mr. Banerjea, that I have been guilty of any impropriety in not thanking certain gentlemen—His Majesty's subjects—when I am bringing up a Resolution thanking His Majesty himself . . .

The Hon'ble Mr. Surendra Nath Banerjea :—My Lord, I rise to a point of order. I did not use the word impropriety. I should be very sorry to use that word in regard to Mr. Sinha's Resolution. I used the word omission, and I think it is an exceedingly mild word to use in connection with any Resolution or statement.

The Hon'ble Mr. Sachchidananda Sinha :—The Members of this Council are quite aware of the mildness of Mr. Banerjea's criticism, but after his explanation I make no grievance of it. My submission is that I yield to none in my admiration for the gentlemen who have been instrumental in bringing about the reforms, but I submit that there is a time and place for everything, and it did not and does not strike me

that this was the right time to do so. If Mr. Banerjea will care to bring up a Resolution on the subject I shall be as willing as he is to render unto Cæsar the things that are Cæsar's. I do not think I shall be justified in detaining the Council any longer, and with these few observations, I shall ask the Council to accept this Resolution.

VI

THE REVOLUTION IN INDIA : A FLASHLIGHT VIEW.*

(A)

In their official communique, dated the 30th June 1930, on the political situation in the country, the Government of India make the following declaration :— "The action of the Working Committee (of the Congress) demonstrates that they have now reached the stage of endeavouring to promote a revolution, through an overthrow of the Government. The Committee must be considered as engaged in a deliberate attempt to subvert the Government." We hope that in the face of this frank acknowledgment, by the highest official authority in the country, it will not be open to any subordinate executive officer to question the correctness of the description of the present state of affairs in this country—at any rate in so far as the work and method of the Congress party and the result achieved by them is concerned—as a political "revolution." We propose to survey, analyse and discuss in this dissertation such aspects of this formidable movement as are of interest not only to the Government, but to the vast bulk of the politically-minded people in this country, as also to other nations in the East and the West, amongst whom the stupendous problem connoted by the term "India" makes some appeal, alike on the ground of the growing sense of kinness of all humanity, and withal on that of a keen appreciation of the struggle for freedom, carried on by the Congress party, through absolutely novel methods hitherto unknown in this world, because they have never been tried—at any rate on so extensive a scale—in any country, at any period, since the dawn of history. This is clear from the fact that notwithstanding the very strict censorship prevailing for months past, even the American Press seem to have got an insight into the present situation in this country. Referring to it, for instance, one of the leading American

**From the Hindustan Review, 1930.*

journals --the New York *Nation* -- writes: "The spectacle not only of revolutionary leaders voluntarily giving themselves up to the authorities, but of unarmed men deliberately bearing their breasts and calmly allowing themselves to be shot—all this seems incredible to the western mind. It has remained for India to give it (the doctrine of non-violence) by far the most remarkable application in our time." On the same subject, the New York *World* writes as follows :—"The resistance to British authority led by Gandhi is of a kind with which the western mind is peculiarly unfit to deal. Were Gandhi leading an insurrection, were he attempting to seize the power of government, there would be ample precedents as to how to meet him. But Gandhi, by renouncing the weapons of war, has made it infinitely difficult for the British to resort to those weapons. In so far as he has disarmed his own followers, he has in a very large degree morally disarmed the British. It is impossible to strike hard and with conviction at men who refuse either to parry the blow or to return it. While their discipline and courage hold out, the followers of Gandhi cannot be successfully coerced. Unless they are provoked to violence, the ordinary procedure of arrest and punishment will but serve to strengthen the movement, while to provoke violence in order to be able to suppress it, is, on the other hand, as dangerous as it is revolting." These two short extracts—from two influential organs of American public opinion—bring into prominent relief the striking difficulties of Government in suppressing the non-violent revolution in the country. No apology is, therefore, necessary for discussing it, in its various aspects, at some length, the more so as we have not seen, so far any comprehensive and systematic survey of this unique movement, its effect on the Indian mass-mind, on the one hand, and on the British Government, on the other, as also on the non-Congress sections of the community in this country, and on its trade and commerce, in particular, and the political situation, in general.

II

Since Mr. Gandhi was on the eve of embarking upon civil disobedience, by defying and violating the salt laws —India has been in the throes of a political revolution,

by no means silent either, as its repercussions have echoed throughout the civilized world. Though the Indian non-violent revolutionaries are unarmed, in the literal sense of that term, yet many of them have their defensive armour and their weapons—an austere discipline, a burning sense of indignation at what they regard their country's wrongs, an intense love for the freedom of their motherland, and a will to do and a soul to dare. Notwithstanding, therefore, their being undrilled and unarmed, in the popular acceptation of those terms, they are well-accoutred to carry on the struggle, inasmuch as many of them—especially among their leaders—are of the stuff of which heroes and heroines are made. Though ultimately they may have to, and probably will, give way to the highly disciplined, wonderfully well-organised and immeasurably superior forces, material and intellectual, which are at the command of the British-Indian Government, there cannot be the least doubt that a hundred years hence, perhaps even earlier, the events that are happening to-day in India will be regarded by impartial historians as most wonderful and unique episodes, not only in the history, of the country but in that of the human race. This is not a prophecy, but the simple statement of a fact. The remarkable heroism, calm courage and admirable patience, that we are witnessing daily in the present struggle would have been unthinkable to anyone in this country even a few years back. To dare all and to bear all is not possible for all persons in any country, and for obvious reasons the least so in our own; but it is being done and the suffering entailed is being borne cheerfully in jail and outside it, not only by hundreds, but thousands, of men and even by large numbers of women, whose selflessness and patriotism, for what they regard as their duty to their country, deserve high acknowledgment. Such an acknowledgment may be made, notwithstanding that it may not be possible for us to see eye to eye with them in regard to the propriety and expediency of the methods and tactics adopted by them to achieve the object they have in view—the political, economic and cultural freedom of India, or, in other words, Dominion Status for India —which is also the aim of all the classes, communities

and the other political parties in the country, aye, even of those who are generally believed by Government to be ranged on their side—the princes, the landholding classes, the Muslims, and the leaders of the "depressed classes", as they are now designated. This admission is made in terms unequivocal even in the first volume of the Simon Committee's Report.

III.

Much of the interest in the struggle is, no doubt, due to the personality of its great leader. Mr. Gandhi, whose name to-day is synonymous with that of India throughout the civilized world—he being justly regarded as the highest personification of the noblest aspirations of his native country, or in the words of the *Times* "the living symbol of her (India's) natural desire for self-determination." Thus in the course of a letter to the *Times* Sir Francis Younghusband writes:—"When recently travelling in Canada and the United States, I was impressed by the unusual interest taken in India. But, *for Canadians and Americans, Gandhi was India* (our italics). What Gandhi wanted, India must want. And what Gandhi wanted must be good; for Gandhi was a saint. Gandhi wanted to sever the connection of India with England, and wanted to sever it at once. Therefore, India wanted this and wanted it at once." We can easily understand the chagrin betrayed by the writer—an old Anglo-Indian—but he and his compatriots must not forget that facts *are* stubborn things. As emphasised by a rather severe critic of his—Mr. F. W. Wilson, an ex-editor of the *Pioneer*—"Mr. Gandhi has rendered his countrymen two inestimable services, and when the history of modern India comes to be written, these will be universally praised. Mr. Gandhi has taught his countrymen to get rid of her inferiority complex and that they are the equal of any white man; he has taught them self-respect and self-confidence. This is Mr. Gandhi's greatest work. His second effort, to which I would give the fullest praise, is his work for the depressed classes." Led by such a selfless leader, is there anything to be surprised at, if many of his followers, all over the country, have in truth achieved wonders? We have

used the expression "achieved wonders" advisedly, for nothing less would describe what they attempted and accomplished.

The first stage in their plan of campaign was the defiance and violation of the salt laws, and these enactments, in almost all the provinces, have been openly flouted by them and reduced to nullity. Contraband salt has been manufactured and sold by them on an extensive scale, under the very nose of officialdom, and open (not covert) raids upon Government salt-works have been made by thousands of the Congress "volunteers", and though many of the leaders and large numbers of their followers have had to go to jail, and the rank and file obstructed by the police and at many places severely beaten and disabled, the movement has never lacked recruits or languished for want of reinforcements, which have poured in from all sides, cheerfully willing to be assaulted by the police and to be sent to jail by magistrates. Even assuming that the financial loss to Government has not been large, it cannot be said that the non-violent revolutionaries have so far come off second best in the first round of the struggle. Obviously their primary object was not so much to inflict pecuniary loss on Government, as to imbue the mind of the masses with a spirit of defiance of such laws as they considered unjust, improper or objectionable, and thereby seriously affect Government's prestige. This is frankly acknowledged in the Government of India's communique from which we have already quoted. Our own view is that it would be a bad day for the future Indian Government of this country if the masses were taught to defy and set at naught the law of the land; for once they learn to do so, they are not likely, judging from human experience, to unlearn it easily, and they will not draw any subtle distinction between British-made laws and Indian-made laws. We feel that every intelligent Indian must recognize that though Mr. Gandhi's campaign may have helped to accelerate the withdrawal of the British raj, from India, it is establishing, by its methods of work and ideals, objectionable precedents, and strengthening habits of thought and action amongst the masses which will make it appreciably more difficult to build up any stable or even

tolerable form of Swaraj in India. But we recognize that that is not the view of Mr. Gandhi and his lieutenants. They seem to think that the best thing they can do at present, is to impregnate the mass-mind with a spirit of defiance of the fiscal and other laws, and they certainly seem to have succeeded in their efforts, as evidenced by the following penetratingly acute and significant remarks of so sane, and sober a British journal as the *Manchester Guardian*, which wrote lately: "There is nothing either good or bad, but thinking makes it so. For hundreds, or rather thousands, of years the Indian villager has patiently put up with conditions more intolerable than those which he has to endure to-day. The change is not in the external conditions, but in his mind. Once he regarded his environment as something which he was powerless to alter. Now he has been taught to hope that it is within his power to change it. It is a sense of power, not hopeless misery, that makes men rebels". Assuming the correctness of these observations made by a very influential organ of British public opinion, they constitute the highest testimonial to Mr. Gandhi's efforts and, in the circumstances, he and his lieutenants can justly take credit to themselves for having achieved a notable victory in what *they* believe in, namely, in "direct action," as they term their method of "warfare". So far, therefore the victory is on the side of the "passive resisters", but unfortunately, there is—as there generally is in almost all human affairs—another side to the shield, and we should now look at it, if we are to form a just and correct estimate of the great struggle for India's freedom, that is proceeding from day to day, between the rival forces of the non-violent revolutionaries, on the one hand, and the police and the soldiery of Government, on the other.

IV.

Now the other side of the shield is this. Since Mr. Gandhi launched the movement of civil disobedience the country, from end to end, has been in a state of tremendous turmoil and tribulation—a state of affairs never known before, not even in the days of the non-co-operation movement in 1920-21. The *Times of India*, in summing up its charges against Mr. Gandhi, writes that

his "movement has had positive results in disorders, violence and bloodshed. There have been a revolt at Chittagong, encouraged by the example of the Congress; bloodshed at Peshawar and an attempted rising on the Frontier; riots and shooting in various places. Misguided young men have been belaboured, and are still being injured, in foolish and fruitless attacks on salt depots; policemen have been brutally murdered for doing their duty, troops have been quartered in hitherto peaceful districts, and two cities are more or less in military occupation. *Hartals* have been proclaimed and business throughout the country is largely at a standstill. The record of the movement is a tragic one. There remains to be added to it the contempt which has been engendered for the law, the full effects of which will be felt by succeeding Indian Government." This is, no doubt, putting the case against Gandhism at the very highest. But making every allowance for the mentality and the language of an Anglo-Indian paper like the *Times of India*, the broad fact remains that a movement like that of civil disobedience is, in the nature of things, calculated to bring about the kind of situation so graphically portrayed in the extract quoted above. This is bound to be so, not because the average Gandhite is not non-violent—though it would equally be wrong to assume that none of Mr. Gandhi's followers or volunteers can ever cease to be so—but because the police and the magistracy (to say nothing of the military forces) naturally pin their faith upon ultimate resort to violence, for what they call the maintenance of law and order. The result thus is a foregone conclusion. Giving them credit for the best of motives and intentions, and for the most tactful of temperaments, they are bound to resort, for the preservation of peace, to their one panacea —force or violence—on the least provocation. But if the matter really rested between the lower executive—the police and the magistracy—on the one hand, and only the Gandhites, on the other, things perhaps would not have been half so bad as they have turned out to be, and were bound so to turn out.

There is, however, the third and even a more important element to be reckoned with, in this matter—the

mob. The occasional horrors of mob-violence are sure to be the inevitable concomitant of a campaign of civil disobedience, and this unavoidable result of Mr. Gandhi's campaign had been foreseen by all intelligent persons, not excluding perhaps the leaders of the movement themselves who had experience of it in the non-co-operation movement of 1921. The mob, as such, cannot be said to be either believer in the preservation of peace, and the maintenance of law and order, or in non-violent civil disobedience, actuated by high and noble ideals of patriotism and selflessness. On the contrary, in India as elsewhere in the world, it believes in the gratification of selfish desires and the lower passions of the human nature—loot, plunder, arson and other deeds of wanton licence. It is always biding its time and opportunities for the weakening of the strength of the Executive and, as soon as it feels secure, it sallies forth to work havoc and commit depredations, in the hope of personal gain, and not for the purpose of securing Dominion Status for India. Time after time, the protagonists of non-violent non-co-operation and civil disobedience have come to grief by ignoring this stern fact—the effect of the activities of this turbid element - with dire results to their movement, in particular, and the progress of the country, in general. In 1922, this factor had to be reckoned with by Mr. Gandhi himself, when as the result of the Chauri Chaura "cremations" of a number of live constables, he acknowledged his "Himalayan blunder," and called off the proposed civil disobedience campaign, which he was on the eve of launching. This time, evidently resolved to see it through, and actuated by the feeling of "now or never," he has chosen to ignore its effect upon the great unwashed, with the obvious consequences that are summarized by the *Times of India* in the passage quoted by us. But though Mr. Gandhi and his followers may not be pressed by any qualms of conscience for the acts of the crowd at various places, impartial chroniclers of events in this country cannot let them off lightly, by exonerating them from all responsibility for the doings of the mob, and the verdict on this count must go against them. It is this very reasonable apprehension of the misdeeds of the mob that has prevented many

patriotic workers in the country's cause—both in the ranks of the Liberals and the Independents—from giving any encouragement to Mr. Gandhi's movement, for they rightly hold that " non-violent civil disobedience," or " peaceful non co-operation," is a contradiction in terms. Having thus made our position clear, we shall now survey briefly the activities of Government, as displayed in combating Mr. Gandhi's passive resistance movement, the effect of the latter on the general situation in the country, and the trend of the public opinion evoked by it, both in India and abroad.

V.

The policy of Government in dealing with Mr. Gandhi's campaign seems to us to have been one of drift. For some weeks after he had opened his campaign, Mr. Gandhi was not even interfered with, to say nothing of his having been arrested, which he himself must have expected. The result was that he was thus allowed to secure more than a few months' start against Government, which he and his followers utilized to the best advantage and their civil disobedience campaign firmly gained ground. True, during this time a number of the leaders of the movement were arrested, convicted and sent to jail, having been generally awarded monstrous sentences—as often as not accompanied with hard labour—which evoked feelings of indignation and discontent amongst all sections of the people, but no definite action can be said to have been taken to check the movement till the arrest and deportation of Mr. Gandhi. There was then obstruction by the police to processions and meetings, accompanied by vigorous *lathi* charges and, at places, even gunfire, which disabled many, killed some and naturally produced great consternation, but which at the same time made the masses more desperate and fortified them in their resolve to see it through, " with it or upon it ". Then there came serious disturbances at various places, followed by attacks and counterattacks and at Sholapur (in the Bombay Presidency) by the Government's proclamation of " martial law " which caused by its operation very great suffering. And all this time picketting of foreign-goods shops, for the

boycott of British goods in general and British cloth in particular, had been the order of the day, almost throughout the length and breadth of British India. On the top of it all came the declaration by the Congress Working Committee of their determination to carry on a no-rent and no-tax campaign in all the prvoinces and to stiffen the boycott and picketting—which led (some weeks later) to its being declared an unlawful organization, followed by the trial, conviction and incarceration of the greatest Congress leader—next to Mr. Gandhi—namely, Pandit Motilal Nehru. At last, the Government awoke to the realities of the situation and Lord Irwin, as the Governor-General, began to issue ordinances hurriedly, almost on an average of one a fortnight, if not one a week. Thus the country has been ruled lately by ordinances, accompanied by the threat of martial law.

The first ordinance—or one of the first batch—related to the press. The Press Ordinance has wrought terrible havoc and (on official estimate) about one hundred newspapers and journals have ceased to exist under its deadly and drastic operation. The other ordinances have been devoted to checkmating various other manifestations and prospective developments of the civil disobedience campaign, while Mr. Gandhi has been kept confined in the Poona jail, without even a semblace or formality of a trial, such as had been accorded to his leading compatriots. And though in a situation like the one they are faced with, no sensible critic can find fault with Government for resorting to the necessary amount of force requisite for maintaining law and order, the gravamen of the nationalist charge against the authorities is that theirs is a policy of brute force and political negation, and not one of constructive statesmanship.

VI.

It must not be presumed that there are not large and influential sections amongst the intelligentsia, who are opposed both to the ideal of the Congress—the complete severance of the British connection—and the methods and tactics adopted by it to achieve that end.

On the contrary, we are satisfied that much the larger section of the educated community in the country is still strongly in favour of the maintenance of the British connection, by India's attaining the status of a Dominion of the great commonwealth of free nations, called the "British Empire". But they all want a clear and unequivocal declaration of the almost immediate prospect of the attainment of that status, with such reservations only as are absolutely necessary to get over smoothly the work of administration during a short transitional period. Unfortunately, all the declarations made so far on this crucial aspect of the problem, have been hedged in by so many 'ifs' 'and' 'buts' and so many qualifying words and modifying phrases, on the part of the Government, that there is a deep-seated conviction in the Indian mind that, if they could but help it, the Government and the British people alike would very much like to shelve this real issue verily to the Greek Kalends. It is this apprehension—of the acceptance of the doctrine of "gradualness," propounded by the Simon Commision—which leads many otherwise sane and sober people to throw into the scale their moral support against the Government. The result is that many such people in all parts of the country—not merely the much-abused lawyers, journalists, teachers and others of the same class, but also the so-called "stake-holders," like merchants, traders, bankers, financiars, industrialists and others of allied groups, but a large number of the middle-class landholders as well, have by their words and deeds lent their moral support, if not open adherence, to the propaganda of the Congress party in the matter of their boycott of British goods, especially cloth. The result brought about by extensive picketting by the Congress volunteers, and the general support of the general public to the boycott movement, is obvious in the appreciable reduction in British imports of late, and the consequent loss entailed on British industries and the suffering inflicted on British workmen, making the already serious problem of unemployment in Britain doubly crucial. The fact cannot be gainsaid that the boycott of British goods has already been successful beyond expectation and British imports have been seriously affected for the worse. The Viceroy

was perfectly right in declaring (as he did in reply to the address of the landholders presented to him) that "it is no exaggeration to say that the civil disobedience movement has produced a paralysis of business in all industrial and commercial centres of India. It reacts unfavourably on the whole world, for economic stagnation in India must have worldwide effects." This statement of the Viceroy's is amply borne out by the slump in India's trade, which is clearly reflected in the returns for the period for which detailed figures are at present available.

It will be noted that the fall in British goods is relatively far greater than in foreign goods as a whole, decline in bringing about the former being obviously the primary object of the boycotters, and of those who are their supporters. Surely, Britain cannot survey with equanimity the prospect of a perpetual or long-drawn feud with the teeming millions of India, who have been now for many long decades her best customers, and by dealing with whom in a relationship of friendliness and in an atmosphere of peace and good-will, her people have been able to draw huge profits and to enrich themselves enormously. What is worse, the result of the Government's policy of repression, and political bankruptcy, has been to produce in the public mind a sense of such acute bitterness and poignant acerbity that it has engendered feelings which are now no longer only anti-Government, bat are frankly anti-British. Such an atmosphere of storm and strife cannot obviously be conducive, in the long run, either to the advantage of Britain or India. The situation is not only critical, but one of great tension and may truly be said to be surcharged with electricity, which but for proper handling will probably lead to dire and disastrous results.

VII

Without going back to the days of Parnell in the eighties of the last century, when the British Government opened negotiations with that great Irish leader, then kept confined in jail, it is sufficient to recall the later incident that after the brutal atrocities perpetrated by the Black and Tans, and the dismal failure of the British to coerce the Irish, in spite of

them Mr. Lloyd George's Government did summon the so-called 'murderous' leaders of Sinn Fein to a Round Table Conference and did produce, as the result of their joint labours, the now famous Irish Free State treaty. Then there are some other questions, which have justly been asked in the Indian press in this connection. How did the British Government act towards the rebel movement in Ulster organized openly by Lords Carson and Birkenhead, with the blessings of the late Mr. Bonar Law? What were the circumstances—as depicted in the Durham Report—in which Canada obtained full responsible Government? What was the British policy in South Africa and how soon after the Boer War was self-government conceded to the Transvaal and the Orange River Colony by Sir Henry Campbell-Bannerman's Government? Again, when Mr. Gandhi himself led the heroic passive resistance campaign on behalf of the Indians in South Africa, in 1913, was it or was it not blessed by Lord Hardinge, the then Viceroy, and did or did not General Smuts open negotiations with Mr. Gandhi while he was still in jail? And even when the non-co-operation movement of 1921—the precursor of the present civil disobedience campaign—was at its height and the Prince of Wales was touring the country, did or did not Lord Reading agree to a conference being held with the leaders of the movement, and were or were not messages exchanged between the spokesmen of the Government of India, and Mr. Gandhi and the late Mr. C. R. Das, when the latter was actually in prison? It is idle for any Government faced by a huge popular movement, which only came into being because of its own character and constitution, policy and measures, to take up a stiff attitude of authoritarian rigidity and demand a surrender absolute, as the antecedent condition of conciliatory negotiation.

VIII

These are stubborn facts which Government will do well to take to heart and to act up to, in the interest of Britain and India alike. If they will even now deal with the situation in a spirit of faith, hope and charity, all may yet be well. In a struggle for

freedom like the present, the dominant party of to-day must ultimately lose, because it is fighting against the great world forces which in the long run sway the destinies of humanity, and also because in the unnatural situation obtaining in India. Time is on the side of the Indian Nationalists and they are bound to gain the upper hand, in spite of the mighty material strength of the Government against which they are now so grimly contending. As the *Manchester Guardian* has appositely put it in the course of an editorial on the present situation in this country :—" The truth is that if things go wrong the blame should rest not so much on human agency either on the side of Government, or the Indian leaders, as on the unnaturalness of the situation. It cannot be denied that *the rule of one country by another is now felt to be monstrous and an indefensible system* (our italics). Readjustment has to take place in regard to the relation with India. We must not be surprised if there is a show of violence on the part of Indians until Britain has shown, beyond all doubt, that she is in earnest about accelerating the readjustments and putting her relations upon a footing of genuine equality." We commend these words of one of the most influential British journals, to the British Government, in the fulness of conviction that they will realize the true import of the grave struggle on which India has now embarked, and we still cherish the hope that they may even now be able to inaugurate a policy of constructive statesmanship—as opposed to their present one of ordinances and police batons—which will bring about genuine understanding, everlasting peace and true friendship between Britain and India, such as educated Indians sincerely desire—they being of all others in the country the recipients of very great benefit by the British-Indian connection, as the result of that mighty intellectual emancipation which has brought into existence all that is justly connoted by the expression, "Indian Nationalism."

(B)

"The Revolution in India: A Flashlight View" presented an almost exhaustive survey of the activities of the Congress party in their civil disobedience movement and their effect upon the public life of the country; as also of the policy and the measures of the Government with a view to counteract it. The survey covered the period of nearly six months, beginning with Mr. Gandhi's famous "march" from his *ashram* at Sabarmati (Ahmadabad). In the present sequal, we propose to carry the record and review of the movement, and also of Government's activities to checkmate it with especial reference to the failure of the peace negotiations.

II.

The break-down of the peace negotiations has been widely commented upon both in the press of Britain and of India. As usual, the British and the Anglo-Indian Press have found fault for the failure with the Congress leaders alone, and similarly (as expected of it) the Congress propagandist press has characteristically attacked the Government for the same. It would be idle at this stage to apportion judicially praise or blame to either side, but it must be placed on record that the independent nationalist press of the country has taken a just and sensible view of the matter. So leading, staunch and independent an organ of Indian nationalist opinion as the *Hindu* of Madras has declared that "on the main constitutional issue Congress leaders stand on the full Congress demand in a position different from that taken by Pandit Motilal Nehru or by Mahatma Gandhi in his note immediately after the peace proposals were discussed." This admission is obviously of great significance in determining the question of the responsibility for the failure of the peace terms.

Another independent nationalist organ, the *Tribune*—of Lahore—which places the responsibility for the failure principally on the shoulders of the Government

makes certain apt criticisms of some of the demands of the Congress leaders. Regarding the issue of Independence, it says: " It was doubtful expediency to raise the question of seceding from the Empire with regard to India at the time and in the form in which it is raised by the Congress leaders.'' It is thus clear that the *Tribune* is not prepared to exonerate the Congress leaders for all responsibility for the failure of the peace negotiations; on the contrary, it would hold them responsible for a great deal. Similar is the view expressed by the independent nationalist organs of public opinion throughout the country.

These declarations from the columns of independent, nationalist journals can leave no manner of doubt as to where the responsibility for the failure of the peace negotiations mainly lies, and the Viceroy (in the course of his address at his last public appearance, at the Punjab Minister's dinner at Simla) was not far wrong when he alleged that it lay on the shoulders of the Congress leaders. This will not perturb those in the Congress camp who have pinned their faith in a fight to the finish (as declared by Pundit Jawaaharlal Nehru on the day after his release from Jail) or those die-hard Europeans who have been demanding the crushing of the Congress movement, but all those, who have the abiding interests of the country at heart, and who do not see any good in the prolongation of this unequal and undesirable strife, cannot but feel grieved at the failure of the peace talks, and will feel that a golden opportunity has been lost which, it is not probable, will recur in the near future.

III.

To counteract the civil disobedience movement the Government have embarked upon two methods—one which they evidently regard as constructive and the other admittedly destructive. The two in their opinion evidently supplement each other. The former is the convening of the Round Table Conference, the latter promulgation by the Governor-General of ordinances one on the top of the other, a veritable case of piling Ossa on Pelion. For the present we

shall advert to the Round Table Conference, which was announced by the Viceroy in his declaration of 1st November, 1929. Unfortunately, the idea so happily conceived has not been carried out as well as it should or might have been. To begin with, as the result of the failure of the peace negotiations, the Congress party is completely out of the Conference—though, technically it is not so, as there is amongst the invitees one ex-President of the Congress, but whom the Congressists now declare to be a renegade from their ranks. Now we desire to emphasise that the Conference without the Congress representatives would be like the play of Hamlet with Hamlet's part left out. True, that is a serious omission for which the Congress leaders are responsible, but howsoever that be, the broad fact remains that no constitution devised by the Round Table Conference, as at present convened, is likely to be gladly accepted and whole-heartedly worked by the country at large. Frankly speaking, the Conference, without the Congress spokesmen, at it, is beyond all doubt unrepresentative of political India as a whole. And though it may be the fault of the Congressmen themselves that it is so, the fact cannot be shirked, that a constitution agreed to by the Conference is not likely to be willingly worked by the vast bulk of the politically-minded classes in the country. As the *Manchester Guardian*—admittedly now the most influential organ of Liberal public opinion in Britain—has very clearly put it, in the course of an article surveying the present political situation in this country:—

"We cannot take a system of government to India and ram it down India's throat. And we cannot carry on government there, lest it be backed with the whole authority of the British Empire, against the will of the people." These are words of wisdom, which evidently the British Government have failed to take into account in convening the Round Table Conference on its present basis.

Thus the omission from it of Congress representatives so wholly vitiates the personnel of the Conference that we do not propose to discuss at length the many other glaring defects (by way of gaps) in the choice made

by the Government in sending out their invitations. It were much to be wished that some system of formal (or even informal) election—for instance, choosing out of a panel of names sent up by the various parties or associations—had been introduced in place of issuing invitations pure and simple, which method alone has been resorted to. The result is the personnel of the Conference has failed—in spite of supplementary lists having been issued—to satisfy any province, class, community or party. There can be no doubt that even apart from the representation or misrepresentation of the Congress party, it would have been possible for the Government to have brought together a more capable, a more efficient and a more representative gathering of all shades of progressive Indian opinion, other than the Congress. But that would have required the Government to proceed upon some definite principle of election or even selection; while the present grouping (which brings together on one platform loyalists, constitutionalists, liberals, moderates, independents, as also an ex-internee, two ex-convicts and an ex-Viceroy) is happily based on no principle at all. And that reminds us that when Lord Palmerston was invested with the Order of the Garter—which is the highest in the ranks of Knighthood—he said that he thanked God that there was no question of any d—d merit about it. And India may similarly thank God that there is no question of any d—d principle in connection with the invitations to the Round Table Conference; hence, that august gathering can best be described in the old tag of the Ilbert Bill agitation days, as

> A motley crew
> Of each possible shade, of each possible hue,
> Red, yellow, black and brown; and indigo-dyed blue.
> The pucca-born Briton and eight-anna Eu-Rasian and Greek, Armenian and Jew.

IV.

And while the invitees to the Conference are proceeding to London in various batches, the Governor-General has been busy arming himself and his Government with larger and sterner executive powers by means of ordinances. Nine ordinances—drastic and dracorian—

have been promulgated by the Governor-General with the object of countering the Congress propaganda and yet what has been the result ? The Government view is embodied in one of their latest reviews on the political situation, which are regularly submitted to the Secretary of State for India. In it we find it stated :—
" Broadly speaking, the public are now in no doubt as to the ultimate issue, and the psychological advantage which this gives to the Government is a factor of great and growing importance. One natural effect is to direct greater attention towards constitutional methods, which it has been the consistent policy of the Government to encourage all parties and communities to adopt." This statement is but platitudinous as " the public " were never in doubt—they could not be—as " to the ultimate issue." No one with even a modicum of intelligence could doubt that in the result Government—if only it care to do so—will be able to suppress at once by use of force—open or disguised—the Congress activities. But that is not the point at issue. What we are mainly concerned with is the effect of the Congress propaganda on the political and economic condition of the country, in spite of the very severe ordinances promulgated by the Governer-General during the last six months.

So far as the political condition is concerned, we must state it as our settled conviction that in spite of the Government's activities, armed with the ordinances and the police lathis, there is yet no weakening of the Congress movement. This is so plain, in our opinion, that even he who runs may read. More than fifty thousand Congress volunteers—amongst whom are hundreds, if not thousands, of women—have cheerfully gone to jail for their open defiance of the laws and the ordinances, and there is yet no dearth of others to take their place. That does not seem to betoken yet any weakening of the civil disobedience movement. The future is on the lap of the gods. But obviously, the civil disobedience movement is not yet on the wane, though we are equally certain that it will be suppressed in the long run, either by resort to greater and greater repression or (preferably) by the adoption of a better and wiser course—that of conciliation.

We shall now examine briefly the effect of the Congress activities on the economic situation, which we dealt with (at some length) in our previous section as well. It is perfectly true that if floating loans successfully be taken as a test, the credit of the Government stands as high to-day in the money market as ever it did before, and that credit remains unshaken by Congress activities, as the Government has, time after time, met with immediate response and, in fact, been over-subscribed. The Government can justly point to these successful floatations as testimony of their high and unshaken credit. But there it ends. You have only to read the British newspapers and journals to light upon piteous letters from British merchants in India bemoaning their fate as the result of the success of the Congress boycott of British goods in general and British cloth in particular. Apart from that we read that the "trade statistics of Bombay for the first five months of the financial year 1930-31 show a contraction of Rs. 562 crores or 13 per cent. in imports, and of Rs. 78 crores, or 23 per cent in exports, as compared with the figures of the corresponding months of the preceding year." Surely, surely, a drop of over five hundred lakhs in imports during a period of five months indicates a state of affairs which must be wholly unsatisfactory from the British merchants' point of view.

These figures tell their own tale. The leading financial journal of London—the *Financial News*—thus comments on the present trade depression:—"The combined effects of the general trade depression and of internal political upheaval (in India) were bound to show themselves by a diminution of India's foreign trade. How sharp the contraction has been is revealed by the survey just issued by the Department of Overseas Trade. As compared with the same period of 1929, imports have fallen by a fifth, or a value of £9 million, and exports by nearly a sixth. The greater part of this marked decline must be attributed to the disturbed political conditions, and in view of the boycott which the Congress party has sought to impose on British goods this country has inevitably been the chief sufferer. The share of the Indian import trade obtained by Britain has fallen from 44 per cent. to 41·6 per cent.

representing a decline in value from Rs. 27 crores to Rs 20 $\frac{3}{4}$ crores." How long the British trading community will be able to withstand the effect of the Congress boycott is not for us to say. But the question is whether it is wise for the Government to let things drift along, as they have done or set them right by a constructive policy of peace and conciliation.

V.

What this policy of peace and conciliation is, is known to every one interested in the cause of Indo-British co-operation and is not a secret. One of the most influential and thoughtful British journals, the *Spectator*, wrote in its issue of July 5, 1930 :—" From the standpoint of self-interest can it be thought that a policy of repression—even if it were practicable—would help British trade ? If a policy of repression were adopted by Britain—a possibility which we refuse to entertain—we think that the boycott of British trade would assume proportions undreamt of by its advocates ". These remarks show how ill-informed even a leading London journal of the standing of the *Spectator* is about the policy which is being, at present, vigorously pursued. What the *Spectator* refuses to entertain as a possibility is actually in operation and practice. What do the promulgation of no less than nine ordinances, the incarceration of thousands of Indians (including practically all the leaders of the Congress movement) the *lathi* charges and police excesses proclaim ? These have, indeed, helped the movement for the boycott of British goods to an extent never dreamt of by its advocates, and have further stimulated the civil disobedience movement. Be that as it may, the *Spectator* is right in condemning repression and advocating conciliation as the best policy in the circumstaces, alike in the interest of Britain and India. Speaking at the Manchester Luncheon Club, the Rt. Hon'ble Srinivasa Sastri is reported to have said :—" If I may mention any one point as being absolutely necessary to recognise in any future conception of what India's status shall be, it is this : that the Indian people have made up their minds that they cannot accept permanently within the Commonwealth a position of inferiority. We are very sensitive upon that point." The same idea

is expressed daily by nationalist India. The overwhelming majority of articulate and thinking Indians want—and are determined to have—a genuine scheme of self-government, and not a mere shadow or travesty of it. Countries much smaller and less advanced than India have shown to the world that it will not pay the mightiest of empires to force upon them a system of government which is not to their liking. How much greater then the unwisdom to attempt to 'govern' by force a country which contains one-fifth of the human race, and which in the boycott of foreign goods alone possesses a most potent weapon for injuring the dominant country's prosperity. The path of wisdom for Britain lies not in imposing her will upon this country, but in conceding her unanimous demand for the immediate conferment of the status of a Dominion, with such safeguards during the transitory period as may be agreed upon between the countries. If in spite of the path of wisdom being absolutely clear the British are determined to maintain their rule over India at the expense of their trade with it, they are quite welcome to attempt it. They have, however, to remember that they have to carry on the government with the rapidly decreasing consent of the people. We leave it to Government to consider how long this will be practicable. For our part we have not the faintest doubt that unless the policy of repression is immediately replaced by that of conciliation, the situation will develope, before long, into one foreshadowed by the poet Southey, in his *Madoc in Wales* when

> Blood will have blood, revenge beget revenge ;
> Evil must come of evil.

VII

EMPLOYMENT OF INDIANS IN PUBLIC SERVICE.*

Sir,—I rise to give my support to the motion before the Council. I shall very briefly state the grounds on which I do so. It seems to me that there are several reasons why the Government should be pleased to appoint a Commission or Committee to enquire into the question of the appointment of Indians in the higher ranks of the public services. Since the last Commission was appointed and reported, certain rules have been introduced, for the first time, which take away from the Indians the privilege of competing with their British fellow-subjects in examinations held in England. The Hon'ble Mr. Subba Rao has referred to the examination held in England for the police, in which, in terms, the Indians are excluded from competing; and it seems to me, Sir, and has always seemed to me, a grave infringement of our rights as British subjects that we should not be allowed to compete for any appointment in our own country.

The second reason, Sir, why I urge the appointment of a Commission is that the list of those appointments which were thrown open to the Provincial Services and are known as "listed posts" has not been revised for the last twenty years. In 1893, when the House of Commons passed a resolution about simultaneous examinations for the Indian Civil Service, the Government of India sent Home a long despatch on the subject embodying the opinions of the different Local Governments and Administrations; and in that I find that Sir Anthony (now Lord) MacDonnell, who was then officiating Lieutenant-Governor of the Lower Provinces, said :—

* *Speech made in supporting the resolution moved by the Hon'ble Mr. Subba Rao at the Imperial Legislative Council meeting held at Calcutta on the 17th March, 1911*

"Let them (Indians) in due time press for a further increase in the scheduled posts to be "listed" or transferred to the Provincial Services; let them on a suitable opportunity urge that.........the...........posts now transferred shall be increased. ....All that is necessary now to do is to recognise and provide by rule that this division or the appointment of posts to each class, shall be from time to time revised".

This was the suggestion of Sir Anthony MacDonnell, and I find that the Government of India also embodied that suggestion in their despatch to the Home Government. They said .--

"There is no finality about the lists of "covenanted offices", which have been thrown open to members of that "Provincial" Services. These lists have been prepared with reference to proximate possibilities; but they are capable of alteration and expansion from time to time as circumstances may require or permit".

Now, Sir, there has been a remarkable progress in the country in education during the last 25 years, and I think for this, if no other reason, the Government should appoint a Commission to go into this matter and see to what extent the people of the country are entitled to have these "lists" amplified and revised. But I think, Sir, I can go further and say that it seems to me, that, apart from the revision and amplification of these lists, which is now surely desirable, the time has come when this artificial boundary between the Provincial Service and the Indian Civil Service should no longer be maintained. For these reasons, I gladly support the resolution.

VIII

INDIAN TERRITORIAL FORCE BILL.*

My Lord,—I rise to second the amendment which my friend, the Hon'ble Mr. Sastri, has moved just now. I submit that the amendment is a very modest one; it embodies the wishes of all the non-official Members on the Select Committee, and I, therefore, earnestly hope that His Excellency the Cammander-in-Chief will see his way to accept it. My Lord, Mr. Sastri has given very convincing reasons why the Government should be pleased to accept the amendment. He has shown by analogy to the omission of certain mandatory words in the Local Self-Government Bills that the delay which has occurred in the progress of reform in local self-government has been due more or less, perhaps more than less, to the omission of some such words in these Bills. When Mr. Sastri said that the memorable words of Lord Ripon's Resolution were known to us by heart, I noticed Sir George Lowndes and Sir William Vincent shook their heads very hard, implying, no doubt, that they did not know a word of it. I am not surprised at that, I would not be surprised if they have forgotten the words of Queen Victoria's Proclamation or even the King-Emperor's Proclamation of last December. It only shows that it is all the more necessary to put in some mandatory words specifically in this Bill, so that they may not be forgotten hereafter. I think it is a very modest submission of ours, because we do not propose to compel the Government of India to take action immediately or at a time when it is not desirable in their view. The discretion is left to the Government of India, and I

**At the Imperial Legislative Council meeting held at Simla on the 16th September, 1920, His Excellency the Commander-in-Chief submitted the recommendations of the Select Committee on the Indian Territorial Force Bill, to which the Hon'ble Mr. Srinivasa Sastri made an amendment. In seconding the amendment Mr. Sinha made this speech :—*

think, therefore, the Government should meet us half way on this particular point about which there is so much strength of feeling among us non-officials. I do not want to raise here questions of military policy in this country ; I do not feel sure that it would be germane to this Bill. But there is a deal of truth in what Mr. Sastri said in regard to the policy of the Government of India in military matters, specially that affecting His Majesty's Indian subjecte. Whereas in the last 150 years there has been a steady, although slow, progress and reform on the civil side of the administration, leading us from autocracy and bureaucracy to the doors of responsible government, I fear there has been very little progress and reform on the military side (not in technical matters or details of military administration) in regard to a generous policy towards Indians. It will be considered perhaps improper for a layman like myself, and that too, a representative of the so called non-martial races, to which Sir Umar Hayat Khan has referred so often, to have the courage to get up and speak in this Council on the military policy of the Government of India. May I, however, recall that Sir George Chesney, a very distinguished military Member of this Council, in his classical and standard book *Indian Polity* passed a most scathing condemnation on the military policy of the Government of India towards the Indians? After comparing the British military policy in this country with that of the Russians in Central Asia, he said in effect : "We must confess, say what we will, that the people are justified in believing that our military policy in regard to the Indians is one of hypocrisy". I do not want to say whether these words are a just charge against the Government of India ; but there the matter stands. It is, therefore, all the more welcome to me as a non-official Member that on this the last day of the meeting of this Council under the old regime, your Lordship's Government is going to enact a measure which will give immense satisfaction to the people of my country, and I, therefore, hope that his Excellency the Commander-in-Chief will meet us half-way, accept the amendment and make the Bill even more acceptable.

PART III

FINANCIAL

PART III

FINANCIAL

I.

BIHAR AND ORISSA BUDGET, 1926-27 *

Sir, I rise for the fourth and last time, during my tenure of office as Finance Member, to discharge the most onerous and important duty assigned by the Constitution, which can devolve on the custodian of the public purse, in a system of government that is either wholly or partly responsible to the elected representatives of the tax-paying community—that of introducing the budget for the succeeding financial year and submitting a statement as to ways and means in relation to it. On similar occasions in the previous three years, I availed myself of the opportunity to emphasise the political truism—alas ! yet so little appreciated amongst us—that, though not perhaps of spectacular interest, it is the effective control of the State finances by popular representatives that should, and ultimately does, count as of far greater importance than work of any other kind in a legislative body, since sound financial administration is the backbone of a stable and progressive government. In this view of the matter, I felt justified in insisting, year after year, that this primary and, constitutionally, most important privilege of wielding "the power of the purse", by a representative legislature like ours, should not be relegated to the background and preference given over it to the mere ventilation of opinions by way of resolutions or agitation for larger powers over the Executive—which latter cannot obviously be exercised with advantage, except by means of a vigilant control over the income and resources of Government and the expenditure incurred by them. I heve no desire to repeat myself on the present occasion on this aspect of the question. I can but earnestly hope

***Budget for 1926-27 presented at the Bihar and Orissa Legislative Council held at Patna on the 15th February, 1926.*

that there will be as years pass, a greater and a truer appreciation of the constitutional and political advantages likely to accrue to the vast bulk of the tax-paying community, by their representatives in this Legislative Council taking a livelier and a keener interest, both in the general budget debate, and particularly in the subsequent voting of the demands which, to my mind, is the most valuable feature of the Montagu-Chelmsford Reforms, and which, if but judiciously exercised in the public interest, will become the most potent factor in the political education of the popular representatives themselves ; as also, though perhaps in a lesser degree, of their "masters"—namely, the electorate. Having already submitted the estimates of revenue and expenditure, and drawn attention to the more important new schemes, I propose, if the Council will bear with me, to make some observations about our general financial position, and in doing so to indulge in some comparison, between the position as it stood when I began my stewardship and as it stands now. And because that comparison inevitably favours the latter position, I must not be understood to be claiming any special credit for myself ; for I am but too conscious that good fortune has favoured the first and hitherto the only Indian Finance Member.

On the expenditure side I will only say that, though we have been unable to effect spectacular economies on the basis of the Report of the Retrenchment Committee (as, for reasons which are well-known, this Province had never been able to launch into extravagance) I have throughout striven for the observance of sound financial principles and for economy in details also. I should not be surprised if my hon'ble colleagues—both on the Reserved and the Transferred sides—and their zealous Secretaries are now counting the days of the expiry of my term of office in the hope that my successor may, perchance, turn out to be less critical of their schemes and more complacent. But I have always held that thrift, like charity, should begin at home, and I am glad to say that at headquarters we have reduced our contingent expenditure, that most elusive branch of public expenditure, by more than Rs. 2,500 a year, through adopting a combined system for despatching

Dak between Patna and Ranchi, instead of leaving each office to send its own.

When in 1922 Mr. Sifton, the Financial Secretary, introduced the budget for 1922-23 on behalf of the then Finance Member, Sir Haviland LeMesurier, who was at the time the Acting Governor, and to whose skilful handling of our finances I desire to repeat the tribute I paid in the year 1923, the picture he presented was, as he himself said, a gloomy one. In spite of the careful pruning of estimates and curtailment of expenditure the revised for 1921-22 showed an excess of 39¼ lakhs of expenditure charged to revenue over revenue ; the estimates for 1922-23, in spite of a further inroad of 49 lakhs 15 thousands, while allowing 13 lakhs 58 thousands for supplementary estimates included only a little over 11 lakhs for new schemes, and a closing ordinary balance of only 7 lakhs 41 thousands. The turning point of a mournful road actually came in 1922-23, just before I took over, and since then, as I have already told the House, we have been able to make an advance payment of 20 lakhs in liquidation of pre-Reforms debt ; further we have made available for new schemes 38 lakhs in 1923-24, 32 lakhs in 1924-25, 52½ lakhs in 1925-26 and 67½ lakhs for the coming year ; out of this total of 190 lakhs, 44 being recurring.

Now in spite of all we can say from these benches, and in spite of the figures, themselves, certain of our critics continue nothing daunted, to assert that we have starved the Transferred side at the expense of the Reserved. But what are the facts ? 149 lakhs or 78 per cent. for the Transferred, and only 41 lakhs or 22 per cent. for the Reserved during the time I have been in charge of the financial administration of my native province I may only refer the critics once again to the paragraphs relating to " Finance Member " in chapter VI of the Minority Report of the Muddiman Committee, which show that for new schemes Bihar and Orissa had given to the Transferred side a percentage more than double that of any other of the provinces the figures for which had been examined by the authors of the Minority Report.

Turning now to our loan account, at the end of the next year our debt to the Government of India should be 50 lakhs 69 thousands, of which 31 lakhs 57 thousands will represent advances made through us to the Jharia Water Board, and 19 lakhs 12 thousands the balance of the old pre-Reforms provincial loan account. In the budget we have decided to continue to repay the latter debt in accordance with the original equated instalments of 7 lakhs 43 thousands a year; and if this rate of progress be maintained, that is, if we are not able to increase our payments nor, on the other hand, are forced to slow down the pace, that debt should be entirely liquidated in the year 1929-30, instead of three years later in 1932-33. though if we were able during the ensuing year to make a special repayment, as in this, and wipe out the balance entirely, it would, indeed, be a cause for very great satisfaction.

On the other side of the ledger, we expect at the end of the next year to be creditors of local bodies and other borrowers, apart altogether from loans advanced from the Famine Insurance Fund, to the extent of some 96 lakhs. Moreover, it is particularly gratifying to be able to state in my last budget that the tentative hope, expressed last year, that by the end of the coming year we might be in a position to suspend the annual assignment of 11 lakhs 62 thousands for the Famine Insurance Fund, appears, on present data, likely to be fulfilled.

Now, I suppose a certain section of the House will be tempted at once to argue yet again that, all this being so, I ought to have taken steps at once to get the increased court-fees and registration fees, which were imposed when things were looking black, reduced if not restored to their old level. My answer to that is threefold : firstly, let hon'ble members look at their balance ; this year we are budgetting for an ordinary closing balance of 78 lakhs 20 thousands. I admit, in effect I had already admitted, that if there is a very favourable year agriculturally, that balance may be higher, say, even a crore ; but on the other hand if there be a bad year, it may be half that amount ; and even a crore is no excessive balance if and when we are required to take over our own ways and means operations, which

appears to be an inevitable development on the road to provincial autonomy—whatever meaning one may attach to that popular expression.

Secondly, do hon'ble members feel they have exhausted the objects on which they wish to spend money? We have not completed even the 23½ lakhs of the primary education programme as revised in 1920, and even fulfilment of that programme will not satisfy the Hon'ble Minister for Education and the minor Oliver Twists; we have not yet got dispensaries established in every police station, apart from the cost of running them; the cost of erecting suitable primary school buildings all over the province will run into crores. The University will cost another seven figures of expenditure to establish; and, even most important of all, our annual running charges, both ordinary and still more pensionary, are steadily increasing and are already within a few lakhs of our revenue, thus threatening an effective brake on further development.

Thirdly, what is it that had changed the gloomy picture of 1922-23 to the brighter one of 1926-27? The answer must be, mainly the increase in the Excise revenue from 1¼ crores then estimated, to 2 crores at present. Now that source of revenue is with a section of this House in itself unpopular, and we still hear demands for its total abolition; but apart from that it is, in my opinion, one that cannot, purely as a revenue proposition, be relied on, in view of the steady increase of prices, if and when bad agricultural years come. But to those who are tempted to exclaim in horror at the size of our drink and drug bill, I would say that it is even now far below the 4½ crores and 5 crores appearing in the budgets of Bombay and Madras, respectively.

If, therefore, I may venture to offer any advice, in this my last budget speech, and I urge that advice strongly, it is that there should be no further talk of reducing the present court-fees and registration fees. I firmly believe them to be in themselves equitable, and without them you will be compelled to have recourse, as I suggested last year, certainly for development, and possibly even for the maintenance of your existing standards, to local taxation, for which, to put

it euphemistically, there appears to be as yet no pronounced local enthusiasm.

II.

Before concluding my remarks, I may invite the attention of Hon'ble members to the following observations in the Minority Report of the Muddiman Committee (issued by the Government of India in March, 1925) which have an important bearing on our financial administration. It says:—"One general complaint against the provision of a very serious character has been made that the Finance Member is also in charge of some spending departments and that naturally enough there is an unconscious desire on his part to promote the interests of those departments at the expense of others, and particularly of the nation-building departments under the control of the Ministers, with the result that in many provinces Ministers have felt that their departments have been starved. To this proneness of the Finance Department several of the ex-ministers have referred in the course of their examination; but this suggestion has been repudiated by some of the Governors in Council. Our examination of the reports of some of the local Governments, which give the figures, shows that the division of expenditure between the Reserved and Transferred halves has been as follows :—

	RESERVED.	TRANSFERRED.
MADRAS—		
1921	... 68 per cent.	32 p c.
1622	... 67 do.	33 do.
1923	... 66 do.	34 do.
BENGAL—		
1921	... 70 do.	30 do.
1922	... 66 do.	34 do.
1923	... 66 do.	34 do.
ASSAM—		
1921	... 78 do.	22 do.
1922	... 74 do	26 do.
1923	... 75 do	25 do
BIHAR AND ORISSA.—		
1921	... 30 do. (recurring)	70 do
1922	... 30 do. (non-recurring)	70 do
1923	... 26 do. (recurring) —non-recurring)	74 do.

The figures for our province for the years subsequent to 1923-24, which I have no doubt would interest hon'ble members, are as follows :—

	RESERVED.		TRANSFERRED.	
	Recurring.	Non-recurring.	Recurring.	Non-recurring.
1924-25	10	35	90	65
1925-26	7	19	93	81
1926-27	5	25	95	75

I need not labour the significance of these figures, which even he who runs may read. The year before last I referred to the agitation set up by Mr. C. Y. Chintamani, (ex-Minister of Agra and Oudh) against the present system of the administration of the Finance Department by a member of Government on the Reserved side. Yet last year, in noticing our budget, this is what was editorially said in the *Leader*, which is edited by him :—"It is a gratifying and significant circumstance that Bihar and Orissa is the one province where ministers have the least complaint to make against the Finance Department." I take that as a compliment as much to the good sense of the Hon'ble Ministers as to my own sympathy for the improved and progressive administration of the nation-building departments, in charge of my hon'ble colleagues.

III

Such then, Sir, are the salient and striking features of our present financial situation, and I venture to hope that, on a careful and dispassionate consideration, it would be found to be satisfactory by hon'ble members and also gratifying to their constituents, the tax-paying public of this Province. In surrendering myself now to the judgment of the House, I can but hope that an impartial verdict may be delivered that (considering the storm and stress we have passed through during the last four years) the financial administration of this province has been so controlled, the resources so husbanded, and the

expenditure so scrutinized, as to have conduced, on the whole, to the well-being of the King-Emperor's subjects in Bihar and Orissa—this in spite of some serious visitations of Nature. In claiming this verdict I am far from suggesting that there have been either no mistakes on my part, or that everything that has been done during the last four years was done in the best possible way, and that I myself would not in many instances do things differently, if called upon to do them now. I have been long familiar with the well-known lines of the poet:—

> " That man was vain and false as vain,
> Who said, were he ordained to run
> His whole career of life again,
> He would do all that he had done ! "

The truth embodied in this stanza is equally applicable to the short official life of the holder of a high officer such as mine, especially at a time like the present when our province, with the rest of the country, is passing through kaleidoscopic changes in all spheres of public activities. All I can say for myself is that I have done my best to serve my native province in these troublous times, and I think that, on the basis of the facts and figures which I have placed before the House, I may justly claim that during my term of office the financial interests of Bihar and Orissa have not only not suffered at my hands, but that the difficulties which have confronted us, from time to time, have been adequately met, that our financial structure has withstood the storms which have beaten upon it, and efforts have been made successfully to strengthen its walls and broaden its foundations. All this, I submit, is amply borne out by the facts and figures I have laid before the House.

It now remains for me to emphasise that such credit as may be accorded to me in respect of the financial policy and actions of the last four years must be shared, in a very large measure, by my very able and highly experienced lieutenants—the Secretaries to the Government in the Finance Department during my time. But for their very valuable assistance most ungrudgingly given to me, their intense devotion to duty, great knowledge of public finance, wide experience of

our financial system and thorough familiarity with the dry-as-dust rules which form the staple of financial administration, it would have been absolutely impossible for a lay Finance Member like myself to administer the department, or to resist the onslaughts on it of my hon'ble colleagues in charge of the various spending departments—who, like the proverbial daughters of the horse-leech, have but one perpetual cry, " give, " give."

If my administration has been a success, it has been in no small measure due to the co-operation of my colleagues and secretaries, whom I desire to thank for their valuable assistance.

II

INDIAN BUDGET SPEECHES*

(A)

1910

My Lord,—I would like to say a few words on the question of provincial finance, with reference to the remarks of the Hon'ble the Finance Member that "the finances of the provinces is a subject which has recently caused no small embarrassment to the Government of India". Sir Guy Fleetwood Wilson gave the Provincial Governments excellent advice when he asked them "to confine their expenditure within the limits of their resources". But this, though a consummation devoutly to be wished for, is not very easy for the Provincial Governments to attain, with all their efforts to meet with the wishes of the Government of India, as expressed by the Finance Member, when he asked them "to overhaul their expenditure and to adapt it to their normal resources". I shall be very sorry indeed, and would never forgive myself, were I to do any injustice to so considerate and sympathetic a Finance Member as the Hon'ble Sir Guy: but it seems to me —unless I am greatly mistaken—that the sum and substance of his appeal to the Provincial Governments comes to this, that they are to carry on the administration of their respective provinces as best they can with the funds at their disposal—funds admittedly insufficient to meet their growing needs and requirements, and the only result of which would be indefinitely postponing works of public utility and shelving measures of reform calculated to benefit the people In recent years, on more than one occasion, the view that the Provincial Governments—some of them at any rate—are seriously handicapped for want of adequate funds to cope with their requirements, has been pressed in this Council by not only non-officials but

---

* *Speeches made on the debate on the Budgets for the years 1910-11, 1911-12, and 1912-13, at the Imperial Legislative Council, Calcutta, in 1910, 1911 and 1912.*

also, I believe, by some of the official members, and there is almost a consensus of opinion amongst educated Indians that unless the Government of India would place at the disposal of the Provincial Governments more money than what is available to them at present, it would be impossible for the latter to carry out measures urgently wanted in the interests of the people committed to their charge. And the Provincial Government which is perhaps most seriously handicapped for want of funds is that of the United Provinces of Agra and Oudh.

To my mind, my Lord, there is hardly a question in which the people are more deeply interested than that of provincial finance, for larger funds at the disposal of the Local Governments mean direct and tangible benefit to the people of the various provinces, whereas the curtailment of expenditure by them—so keenly desired by the Hon'ble the Finance Member—is possible, I fear, only at the cost of useful public works and beneficial schemes of reform So long, therefore, as the Imperial Government will continue to claim the lion's share of the revenues raised by the Provincial Governments, there is very little chance of improvement in the condition of the people, and the administration of the Provinces can hardly make any satisfactory progress. The fabric of the Imperial Government is so costly and such large funds are required for some of its spending departments that it has all along had to appropriate to its own use the fruits of the improvements effected by the Provincial Governments, and some of the members of this Council may remember the complaint of the late Sir Alexander Mackenzie about the Imperial Government's shearing the provincial sheep and leaving it shivering in the cold.

My Lord, the diversity brought out in our system of provincial finance is too marked, and though there might be good reasons for it, yet, I confess, that to the average person, the system seems to be more or less arbitrary. I trust I am not asking too much in expressing the hope that the Government of India will be able in due course to see their way to so adjust their financial relations with the Provincial Governments as to leave them not less than two-thirds of the revenues raised in the

province. At present only two of the provinces, namely, the Central Provinces and Berar and Bombay, have at their disposal two-thirds, or rather a little over two-thirds, of their revenues ; all the other provinces are laid under contribution by the Imperial Government in a larger measure, the percentage being the highest in case of the United Provinces and Madras. If the Government of India could only bring themselves to limit their demands to one-third of the revenues raised in the provinces, it would mean a substantial relief to six of our larger provinces and but a slight strain to the resources of the Central Provinces and Bombay, which at present retain just a little over two-thirds. It will, no doubt, be said that any such adjustment will materially cripple the resources of the Government of India, but surely when the Provincial Governments are being called upon to practise retrenchment and economy, and to "mitigate future difficulties by examining the causes of the insidious growth of expenditure and by sharply checking them", it is not too much to expect that the Government of India will not be content with merely offering precepts to the Provincial Govenments, but will set an example to them " by examining the causes of the insidious growth " of their own expenditure, which has been going up at an alarming rate during recent years " and the steady growth of which", the Finance Minister has told us, he views " with grave anxiety." Retrenchment and economy might well begin with the Government of India, and an ounce of practice by the Imperial Government will be certainly better than a ton of precepts to the Provincial Governments. It is not necessary for me to deal here with the specific proposals to reduce the expenditure of the Government of India, as they have been made from time to time, by Indian public men both in and outside the Council, and they merit careful consideration at the hands of the Government.

My Lord, the broad outlines of the economic conditions of India are such that he who runs may read. A very poor country, one of the poorest in the world, has to sustain the fabric of a very costly system of administration, the revenue and expenditure of which at best balance in average years, even if, as in the forthcoming year, no

additional taxation is necessary in normal times to avoid a deficit. The incidence of taxation—relative to the tax-paying capacity of the people—is at a high level, and which cannot be enhanced except by inflicting upon them some kind of privation of even the necessaries of life—as in the case, for instance, of the enhanced duty on petroleum. Of the revenues raised, comparatively speaking, a much smaller sum than is absolutely necessary is left at the disposal of the Provincial Governments for expenditure on such works of public utility and beneficent measures as are indispensible for raising the material and moral condition of the people; while by far the larger proportion of the revenues is spent on the army, which alone absorbs more than the total land revenues, and on other departments. At the same time, we are face to face with diminishing returns in the opium revenue and threatened in course of time with its disappearance. Though much is heard of the recuperative powers of India, it is difficult to contemplate with equanimity the present financial position of the country, specially in view of the threatened extinction of the opium revenue. With the new imposts recently levied, we have reached the farthest limits of taxation, while our growing requirements, specially for education and sanitation, will make a heavier demand in future on the Finance Minister's resources. These broad facts of our economic situation have got to be grappled with in such a way as will redound to the prosperity of the people, without sacrifice of efficiency in administration. I have no doubt that Your Excellency's Government, which has done much for the progress of the Indian people, will not fail to devise schemes which will meet with the requirements of the situation. In the meantime, I earnestly hope that the Government will devote a substantial portion of the surpluses to two such beneficent objects as education and sanitation, which are the crying needs of the country. Such a response on the part of your Excellency's Government to the appeals of the Indian members of this Council, who have pressed the Government to be generous in expenditure under these two heads, will not only evoke their gratitude but of the educated Indian community throughout the Empire.

(B)

1911.

My Lord,—One of the most notable reforms connected with the present Budget is the inauguration of the system of permanent financial settlement with the eight major Provinces. Last year, in the course of the Budget debate, I pointed out that the percentage of revenue appropriated by the Imperial Government ranged from 30 per cent. in the Central Provinces to 45 per cent. in Madras ; and I suggested the adjustment on more uniform lines and also such as will enable the Provinces to retain at least two-thirds of the revenue raised in them. The system now inaugurated, though it does not conform to the standard of two-thirds and one-third, is certainly a great improvement on the old settlements, and to that extent it will be conducive to the interests of the people. But I regret to notice that in the arrangements made the United Provinces have not fared as well as the other Provinces and as they might have been expected to, considering their large contributions in the past to the Imperial exchequer. Though the Hon'ble the Finance Member did not see his way to accept the Hon'ble Mr. Malaviya's resolution about the United Provinces being allotted—like the other Provinces—half and not three-eighths of their land-revenue, I am glad to find that Sir John Hewett has spoken out his mind freely and frankly on the subject. Presiding at the last meeting of the Provincial Council, he said that he had great sympathy with the resolution, moved in this Council, and that the financial arrangements made, do not appear to be such as well satisfy the legitimate claims of the United Provinces. He announced that he proposed to make a full but dispassionate representation to the Government of India. Regard being had to the very high opinion which Your Excellency's Government rightly entertain of the work and worth of Sir John Hewett—and which, in fact, was the main ground urged by the Hon'ble the Home Member for refusing to accept my proposal for an Executive Council for that Province, I hope Sir John's representation will receive the careful attention of the Government of India.

Even if the very high expenditure on Police, in 1909-1910 nearly three times of that on Education, be said to be justified, in view of the improvements being introduced in that service and the rise of political crime in some parts of the country, there is no doubt that there is little justification now for a stea dy rise in our military expenditure, such as has been the case during the last twelve years. If it be impossible to reduce the number of British troops stationed in India, it should not be impossible for Your Excellency's Government to secure an equitable apportionment of the charges incurred on them between the Home Government and the Indian Government. A good deal of evidence of experts like General Brackenbury was given before the Welby Commission in support of this view, which is in entire agreement with Indian opinion. It was no Indian politician but the Government of India who expressed the opinion that—

"The Imperial Government keeps in India and quarters upon the revenues of that country as large a portion of its army as it thinks can possibly be required to maintain its dominion there ; that it habitually treats that army as a reserve force available for Imperial purposes, that it has uniformly detached European regiments from the garrison of India to take part in Imperial wars whenever it has been found necessary or convenient to do so ; and more than this, that it has drawn not less freely upon the Native army of India, towards the maintenance of which it contributes nothing, to aid in contests outside of India with which the Indian Government has had little or no concern".

Here is a strong case made out by the Government of India for a just apportionment of the charges on the British troops stationed in this country between the Home and the Indian Governments. However that may be, it is time that expenditure on the Army were cut down so far as possible—and we are grateful to His Excellency the Commander-in Chief for his resolve to overhaul and examine the whole Army expenditure, with a view to greater economy and that the amount so liberated were devoted to Education. As things stand at present, it is in my humble opinion a serious blot on

our system that the Army and the Police should receive so much more attention than Education as to have absorbed between them during the last twelve years not less than 25 times the money spent on the latter, 379 crores as against 15 crores. The first decade of the century has been with us, under the impetus given by Lord Curzon's Government, an era of improvement in the Army and Police. We hope that the second decade, under the impetus imparted by Your Lordship's Government will be an era of educational progress.

(C)

1912.

My Lord,—As the Hon. Mr. Gokhale has pointed out, our financial condition at present requires very careful consideration, on account of the fact that very soon the opium revenue will have disappeared from our resources. It is, therefore, especially in view of the demands now being made, the very proper demands, which the Government have to some extent conceded, for education and sanitation, absolutely necessary that our finances should be properly husbanded and that so far as possible all such economy should be effected as can be done, without in any way diminishing the efficiency of our administration. For this purpose, my Lord, my humble submission is that two things are absolutely expedient; the wider employment of Indians in the public services and a careful handling of our military expenses and charges. In regard to the wider employment of my countrymen, I gave notices of two or three Resolutions to be moved in this Council. I was given to understand, however, that the Government of India were in communication with the Secretary of State on these subjects, and I therefore withdrew them. I do hope that, in due course, the Government will be able to inaugurate a policy which will be conducive to the much larger employment of Indians. It seems to me that the time has come when the Government of India should have a Royal Commission appointed to go into the whole question. The Public Service Commission made its recommendations nearly 25 years ago; and these, unfortunately, were far from satisfactory. We

have taken long strides since then, in almost all departments of human activity, and I think, my Lord, that the time is come when the Government of India may very properly ask the Government at Home to institute a Royal Commission to go into the whole question of the larger employment of Indians, including that of the recruitment of the judiciary from the legal profession.

Similarly, my Lord, in regard to the Army charges, the subject has been discussed in this Council time after time, and by none more ably than by our great leader Mr. Gokhale. It is well-known that the large additions made to the cost of the Indian Army in 1885 86 were certainly due to the fear of a Russian invasion at the time. Now, thanks to the Anglo-Russian Convention, which was mainly brought about due to Your Lordship's influence, and for which we are all very grateful to Your Excellency, this fear of a Russian invasion of the country has certainly disappeared. In view, therefore, of our many necessary requirements now, and the larger demands for education and sanitation, I request the Government of India to consider favourably the question of, at any rate, reducing the cost of the Army to the extent of the additions made in 1885-86, which will, I think, result in a saving of some 3 crores. And in this connection I would like to say that last year I gave notice of a Resolution to be moved in this Council that the commissioned ranks in the Army should be thrown open to Indians. I was then informed that the matter was under the consideration of Government, and that it was likely His Majesty the King-Emperor would himself make an announcement at the Durbar on the subject, and it was in that view that I withdrew my Resolution. Well, my Lord, expression has been given to-day to the view of the non-official members on this subject by the Raja of Dighpatia, and I may frankly say that great disappointment has been caused in the country on account of that boon not having been announced at the Durbar. I sincerely hope that it will not be long before Your Lordship's Government will be able to make that long-looked-for announcement.

III.

BIHAR'S FINANCIAL SITUATION*.

Sir, —When, just two years back, I returned to this hon'ble. House for the first time as a non-official elected member, I availed myself of the opportunity offered by the presentation of the Budget for 1931-32, by my hon'ble friend the Raja Saheb of Kanika, the Finance Member of this province, to invite his attention, in particular, and that of the Government in general, to the grave financial situation which existed at the time, and which was likely to get worse, as years passed, in our province of Bihar and Orissa. As I then apprehended, our financial condition has been worsening, in spite of the strenuous efforts made by the hon'ble the Raja Saheb to improve the situation as well as he can, and now we are faced with a truly grave and serious financial and economic crisis which is likely to carry all before it, unless matters are set right by resorting to methods dictated by the highest considerations of prudence and statesmanship.

'PRACTICALLY BANKRUPT'

To be able to appreciate how serious, or rather alarming, the financial situation of this province is at present, it would be as well to glance at the totals of our revenues and expenditure during the last 12 years, in other words, since the inauguration of the Montagu-Chelmsford Reforms in the province, beginning with the year 1920-21. During this interval of 12 years, we have had but four years of surplus, and eight of deficit. That would be, in any circumstance, a matter for serious consideration, but a study of the figures of our revenues and expenditure, during these years, reveals the situation to be even more unsatisfactory. The whole period may be divided for convenience into (*a*) pre-surplus period, (*b*) surplus period, and (*c*) post-surplus period. The pre-surplus period were the years 1920-21 and 1921-22, and in these years, there were

---

* *Speech delivered during the budget debate in the Bihar Legislative Council, held at Patna, on 25th February, 1932.*

deficits of ten lakhs and seven lakhs respectively, *i. e.*, a total of 17 lakhs. Then came four years, in succession, of what might be called the surplus period, ranging from 1922-23 to 1925-26, during which there was surplus amounting to 131 lakhs. Our post-surplus period began in 1926 27, and has lasted since, and our total deficits during these six years amount to 193 lakhs 10 thousands—or nearly two crores, in round numbers. It would thus be seen that we have not only been forced to use up all the savings effected during our surplus period (amounting to one crore and 31 lakhs), but to impose upon ourselves, by the end of the current financial year, a liability (by way of deficits) amounting to 62 lakhs and ten thousands. Nor is the prospect better for the next financial year 1932-33, for, unless I am mistaken, the expected surplus is that of but two lakhs and four thousands. I am sure, this hon'ble House will agree with me that the state of affairs so revealed is really very depressing, namely, that out of 12 years of the working of the Montagu-Chelmsford Reforms, there should have been only four years of surplus and eight of deficit, with the net result that we stand to-day practically as a bankrupt province. I may remind you, Sir, that in putting it as I have done, I am not trying to overstate the case. I am merely echoing the sentiments and the words of the hon'ble the Finance Member himself, who, at page 3 of his budget speech (delivered the other day, when introducing the budget of 1932-33) stated after giving the figures: 'In other words, though we are nearly bankrupt, we are not quite so', and the reason given by him was 'because there is still some nine lakhs in the Famine Relief Fund over and above the statutory minimum which we are required to maintain for famine relief proper.' I have merely paraphrased the hon'ble the Raja Saheb's own words 'nearly bankrupt, but not quite so', as 'practically bankrupt'.

REDUCE THE NUMBER OF I. C. S.

That being the situation, the question arises what is to be done by us, both by the Government and the people's representatives, acting together in public interest. No doubt, the main responsibility rests upon the members of the Government, specially on the

Finance Member. But, we are also here to tender to them not only destructive criticism, but our constructive advice, so far as we are capable of doing so. The great difficulty in our way is that the occupants of the official benches are very loath to profit by our criticism or advice. Last year, in the course of the general discussion on the budget, I invited the attention of the hon'ble the Finance Member and the other members of the Government to various proposals for retrenchment, for instance, the abolition of the offices and the establishments of those highly superfluous officers called commissioners, and also the replacing of members of the civil service by provincial officers, in posts, which are not exclusively reserved (under the Government of India Act) for members of the civil service. I find on a reference to the proceedings of our Council, that when I was making the latter suggestion, the then leader of the House (the hon'ble Mr. Sifton) asked me what posts I was referring to. I mentioned one or two at the time, but on looking into the matter since, I find that at present the officers of the Registrar of Cooperative Credit Societies, the Inspector-General of Registration and Commissioner of Excise, the Director of Land Records, the Settlement Officers, and the Registrar, High Court, are held by members of the civil services, though these are not exclusively reserved for them under the Government of India Act. If my suggestion were accepted, I have reasons to believe that a considerable reduction in expenditure could be brought about by replacing these officers by provincial civil service officers, and also by the amalgamation of a certain number of establishments and the heads of those departments.

SUPERFLUOUS POSTS.

Again, at the last August session of the Council, an attempt was made by my non-official colleagues to press upon the attention of the Government the expediency of the immediate formation of a retrenchment committee to consider the recommendations made in the report of the committee appointed in Lord Sinha's time, which submitted its report during the administration of Sir Henry Wheeler. Even this harmless recommendation of the Council was resisted by the Finance department, but

it was carried, in spite of their strenuous opposition. I am glad Government have been since in a more reasonable frame of mind, and have taken necessary action in constituting a Retrenchment Committee, consisting of five non-official members of the Council, to whom our thanks are due for the great and good work they have done in the interests of the people of this province. They have made many useful and practicable recommendations, which, I hope, Government will see their way to carry out in the course of the next financial year. I am glad to find amongst other recommendations made by the committee one for the amalgamation of the two separate departments of engineers, namely, the Irrigation department, and the Roads and Buildings department, which, if accepted, will lead to a substantial reduction, and also of the reduction in number, if not of the total abolition of commissionerships and the officers in charge of them. Many other similar recommendations of the committee, if accepted, would lead to a substantial reduction in the expenditure of the province. There can be no gainsaying that so far as the establishment charges are concerned the administration of our province is undoubtedly top-heavy, and beyond our financial resources. I, therefore, earnestly hope that during the next financial year the hon'ble the Raja Saheb will make a strenuous effort to curtail still further the expenditure of our establishment, not merely by abolishing petty posts of menial servants and staff, but by taking a drastic line of action and tackling the problem seriously by abolishing all superfluous posts in the higher ranks of the public services.

NATION-BUILDING DEPARTMENTS STARVED.

But that is not all, and while I am all for retrenchment—and a substantial one at that—I do not think that mere reduction in our public expenditure will solve the problem we are faced with to day. I do not agree with those friends of mine who take the view that the question of our financial bankruptcy can be solved merely by Government making reductions, or even substantial reductions. A careful examination of the figures has satisfied me that howsoever extensive the scale may be on which the Government may make

reductions, it will not be possible to carry on our administration on sound and proper lines, making suitable provision for the nation-building departments, which are at present suffering and are being starved for want of funds, unless we take our courage in both hands and seriously consider the problem of raising some additional revenue.

CRUCIAL DIFFICULTY.

The crucial financial difficulty with us is that the main sources of our provincial revenue have the misfortune of being conspicuously inelastic. The three important sources of revenue assigned to the province by the Meston Settlement were Land Revenue, Excise and Stamps. Now the land revenue (in Bihar) is almost completely inelastic, owing to the permanent settlement. Moreover, hon'ble members will possibly be surprised to learn the undeniable fact that the pitch of the land revenue in Bihar is only half of what it is in Bengal, for whereas in Bihar no less than 67,000 square miles of permanently settled area pay only 106 lakhs as land revenue, in Bengal, a smaller area—namely 60,000 square miles—pay 216 lakhs, or more than double of what is realised from the permanently-settled area in Bihar. The assignment of land revenue to the province by the Meston Settlement, therefore, meant that Bihar and Orissa was crippled by that settlement even more than Bengal, and the result of such an unfair settlement is writ large in our financial annals during the last 12 years.

The next source, Excise, showed for some years great and unexpected elasticity. It rose from 124 lakhs in 1921-22 to 197 lakhs in 1926-27. But it has now dropped to 120 lakhs, chiefly owing to low prices, and is unlikely to recover to any large extent. For the future it must, therefore, be classed as an inelastic source, the more so as public feeling is bitterly hostile to the expansion of revenue from excise, and the Government will have to shape their policy accordingly, in future.

Coming to the income from Stamps, we find that in 1921-22 it brought in 87 lakhs. Court fees were raised in 1922, and the revenue rose to one crore in

1924-25 and to 111 lakhs in 1929-30. But that has since fallen by about ten per cent. It may recover to some extent, but there is no possibility of increasing court fees further, and though the rates for non-judicial stamps have never been raised, it is no longer possible to raise them,—at any rate, for the present—because prices are now low. There is thus no immediate prospect of any appreciable increase in our revenue from Stamps. Such is, in short, the condition of the chief sources of our provincial revenue.

SIMON COMMISSION'S RECOMMENDATION

The Simon Commission—in view, no doubt, of these crucial difficulties—recognised the crying need of Bihar and Orissa for increased revenues, if the province was to keep abreast of the times and of other provinces. Their proposals—if given effect to—would have given considerable increase, but their estimates of revenue have been falsified completely by the economic depression which has prevailed since the publication of their report, and so I need not discuss their proposals further. I find, however, that Lord Peel's sub committee (of the Federal Structure Committee) has recommended that income and super-tax (except the super-tax on companies) should be assigned (in our future constitution) to the provinces and that to make up the resulting deficit of the Central Government, the provinces should, for a limited period, make contributions to the Central Government. The sub-committee seem to have recognised that in making the distribution, it may be possible to help the poorer provinces, and we should, therefore, see to it whether we can avail ourselves of their proposals. I think, Bihar and Orissa would gain if income-tax was given to it on a population basis, as our province has just about one-seventh of the population of British India. It might be possible for us, by pressing the matter properly, to secure either full or partial exemption from contributions to the Central Government, or, even if a contribution has to be paid, to have it assessed on the total revenue of the province, which is small. It seems to me unlikely, however, that the amount of the income-tax available for distribution will be enough to make a sufficient addition to our revenues. The total revenue derived

from income-tax throughout India (excluding Burma) is about 121/2 crores. But in all probability not much more than half of this could be spared for the provinces, as it is unlikely that the Central Government will surrender the whole revenue from this source, in view of their own unhappy financial condition.

TERMINAL TAX

If we were to ask for a direct contribution from central revenues to bridge the gap, we shall be at once met by the rejoinder that, in fact, owing to the permanent settlement obtaining in Bihar, our agricultural classes do pay appreciably less than in other provinces and that, therefore, it is unfair to ask them to agree to make up, in effect and substance, our deficit. As it is by no means easy to meet this line of argument, so it seems advisable to look for some other source of revenue. And as direct taxation is undoubtedly unpopular amongst us, we must seriously consider the expediency of levying a terminal tax on all goods delivered at railway and steamer stations in the province. This would fall on everyone, and would not be felt seriously, if levied at the rate of two per cent. *ad valorem.* It would very probably bring in about 80 to 90 lakhs, and may, in due course, rise even to one crore or more. The municipalities of the provinces of Agra and Oudh, and the Punjab actually raise about 70 lakhs a year from this source. Though in these provinces it is a municipal tax, there is no reason why, in Bihar and Orissa, it should not be levied as a provincial tax. There is no reasonable prospect that our municipalities would be allowed to impose it, but there is a good chance that the province would be allowed to impose it, as a definite attempt to make up by our own efforts what it has lost by reason of the permanent settlement. As our official colleagues invariably twit us, non-official members, for offering what they call merely destructive—as opposed to constructive—criticism, I have ventured to express my views on this subject for the consideration of the hon'ble the Finance Member.

PART IV.

SOCIAL

PART IV.

SOCIAL.

I

CASTE CONFERENCES AND NATIONAL PROGRESS.*

BROTHER DELEGATES,

I am deeply sensible of the very great honour that has been conferred upon me on the present occasion. I assure you that it is all the more welcome, as it has come absolutely unsought and, in fact, wholly unknown to me. Except on two occasions—to which I shall presently refer—it has not been my privilege to be associated actively with the work of this Conference and it, therefore, came upon me as rather an agreeable surprise when I was informed by the Secretary of your Reception Committee that almost all the local committee, in which the privilege is vested of nominating the President, had recorded their votes for me. For this reason my appreciation of the honour is all the greater and I desire to express my sense of profound gratefulness for your so kindly calling me to the presidential chair, that too at the first session to be held in Delhi, the historical and now, once again, the administrative metropolis of our country.

I have referred to the fact that I have attended but two sessions of this Conference. That was a long time back. The first was in 1894 when the Conference was held at Benares, shortly on my return after being called to the Bar, and the second in 1901, when I attended the session held at Lucknow. On both these occasions a great deal of the time of the Conference was devoted to a discussion, mostly in the lobbies, as to how to devise effective means for getting rid of me, without hurting my feelings, on the ground of my having been to Europe. I need

---

**Presidential Address at the Thirty-fifth Session of the All-India Kayastha Conference, held at Delhi, on the 29th March, 1929.*

not tell you that both the Benares and the Lucknow Conferences found in me rather a tough creature to deal with and in spite of considerable opposition to my taking part in their deliberations, I held my ground successfully and exercised on both occasions my right as a member. That this Conference has, in the interval of the last thirty years, so far changed its mentality as to have offered me the presidential chair on the present occasion, shows the great advance in the mental outlook of the community, which should be a matter of satisfaction and gratification to all well-wishers of Indian progress, irrespective of the particular community to which one may belong.

Although I have thus felt encouraged to accept your kind offer to preside over your deliberations, I am nonetheless fully aware of my shortcomings and I have ventured to comply with your wishes placing full reliance upon your spirit of genuine co-operation in enabling me to discharge my arduous duties satisfactorily. Of my many limitations, I feel, there is one to which I should make a special reference, and that is that as the result of my not having generally adopted opinions second-hand but having exercised my right to think for myself, I fear, my views on some important questions may not be shared by one section or other of this Conference. I desire to assure you, however, that though you may not agree with my views on all questions, I shall express them in the hope that by a free and frank interchange of opinions, we may be able to adopt ultimately a correct perspective in judging of the many problems in the solution of which we all are vitally interested. I have thought it best to make this candid explanation, so as to avoid any misunderstanding.

II.

Since the last session of the Conference met in December 1927, the community in particular and not the least the country in general has had the dire misfortune of suffering an irreparable loss in the death of the Rt. Hon'ble Lord Sinha. My relations with the deceased statesman were so intimate and cordial—it was to him that I owed the privilege of association with

the Government of my native province—that I could speak of him " much and long ", but I forbear by reason of the fact that his death has been mourned throughout the length and breadth of the country, by all sections, classes and communities. " His career "—as wrote the *Times* in its editorial obituary—" marked a definite stage in the association of India with the British Empire and was a remarkable illustration of the new tendencies in India." The first Indian to hold many of the highest executive offices under the Crown, and the second to hold the highest judicial office, as a member of the Judicial Committee of His Majesty's Privy Council, Lord Sinha has left to the rising generation of his countrymen not only his mantle of inspiration but a name and a fame which, I hope, will stimulate them to emulate his illustrious example. I feel sure you will adopt a resolution expressing your sense of profound sorrow at this tremendous loss.

In the economy of Providence, however, pleasure and pain are indissolubly intermingled and the year which has witnessed the demise of Lord Sinha has brought to members of the community some of the highest offices under the Crown—on the executive side the appointment of Sir Brojendra Lall Mitter as a Law Member of the Government of India, on the judicial side that of Sir Binode Mitter as a member of the Judicial Committee of the Privy Council and on the legal side that of Mr. N. N. Sircar as Advocate General in the Calcutta High Court. With Sir B. N. Mitra already in the Government of India, the appointment of Sir B. L. Mitter gives our community now two out of the three Indian members. Similarly the appointments of Sir Provas Mitter and Mr. G. R. Pradhan to the Executive Councils of the Governors of Bengal and Bombay, will enable two prominent members of the community to be associated with the government of their native province, as also another—Mr. Narayan Prasad Asthana, an ex-President—with the Agra University as its elected Vice-Chancellor. All these appointments should be particularly gratifying to the members of this Conference and I have no doubt you will place on record your sense of appreciation of them. Lastly, we should offer our respectful congratulations to the greatest Indian

scientist, a man of world-wide reputation—Sir Jagadis Bose—on the celebration of his seventieth birthday, and also express our hearty admiration of the courage and public spirit of Rai Rajeshwar Bali—ex-Minister United Provinces—on his having resigned his office rather than be a party to an unconstitutional procedure wholly subversive of public interests.

III.

After these preliminary observations I should like, mainly for the benefit of the younger generation assembled here to-day, to refer briefly to the origin and the objects of this movement and discuss the principles and methods of social reform. The first impetus to reform and progress in the community was imparted in Upper India through the labours of that great-souled patriot, Munshi Kali Prasad "Kulbhaskar", who founded in 1873 a tiny school which has now developed into the great educational institution at Allahabad—the Kayastha Pathshala—and of the Board of Trustees of which our esteemed friend, Munshi Ishwar Saran Saheb, who is well-known to you in Delhi as one of the prominent members of the Legislative Assembly, is the President. The Pathshala formed a very effective nucleus of educational progress and led to a rapid expansion of higher education amongst the younger generation of the community in the provinces now known as Agra and Oudh. The result was that by 1887 there originated in the mind of two prominent graduates—the late Munshi Hargovind Dayal and the late Rai Bahadur Sri Ram, C. I. E.—the idea that a Conference of that section of the community, which is known as Hindustani Kayastha, should be organised. A circular was accordingly issued to the educated members of the community which was couched in the language of a stirring appeal and evoked a sympathetic response—particularly from the English-knowing section of the community in Upper India. The result was the holding of the first session of this Conference at Lucknow, in 1887, under the presidentship of Rai Bahadur Jaiparkash Lal, C. I. E., the well-known Dewan of the Dumraon Raj. From that time onward the Conference continued to be held in various centres in Northern India. About twenty years back there grew

amongst its members the consciousness that the sphere of its activities need not be confined to the Hindustani Kayasthas alone, but that the movement should bring within its fold that large, important and influential section of the community which resides in Bengal and which had so far not been asked to join it, presumably because they do not speak Hindustani but Bengali. It is due to the memory of the late Mr. Sarda Charan Mitter —a well-known Judge of the Calcutta High Court—to state that he took the most prominent part in bringing about the fusion in this Conference of the Hindustani and the Bengali Kayasthas, with the result that in December 1912 the first session of the All-India Kayastha Conference was held in Calcutta.

The late Maharaja Sir Girja Nath Roy was the Chairman of the Reception Committee and the late Munshi Baldeo Prasad Saheb was the President of the session. The present Hon'ble Maharajadhiraja of Darbhanga gave his blessings to the movement and in doing so he spoke as follows :—" Your community has always played a very important part in the administration of the country, providing officers for positions ranging from village accountant up to that of dewans of princes. By your endeavours to promote the well-being of the community, your charitable institutions, your religious endowments and by your efforts for promotion of the education of the youth of this country, you have offered a standing example to the other sections of the Hindu community, which they will do well to follow." Thus it was a memorable session of the Conference which was held in Calcutta in December 1912. Since then the Bengali Kayastha community has given us three very worthy and eminent Presidents in Maharaja Sir Girja Nath Roy for the session held at Allahabad in 1914, the late Sir Rashbehari Ghose for that held in the same city in 1916 and, last but not least, Sir P. C. Roy for the session held at Daltanganj, in Bihar, in 1927. It seems to me, however, that we have failed so far to utilise fully the assistance of our Bengali brethren, and it should be our endeavour to enlist the services of eminent Bengali Kayasthas, of whom there is no dearth, for guiding the future sessions of this Conference.

But though 1912 saw the amalgamation of the Bengali and the Hindustani Kayathas, another large section of the community, which has inhabited for centuries the Maharashtra and is known as the " Prabhu Kayastha ", remained outside this Conference. This section of the community is a very important one in the Maharashtra, and as the names of the great men it has produced may not be quite familiar to some of us in Upper India, I may be permitted to recall that Balaji Abaji Chitnavis was for years the Private Secretary to Shivaji, the founder of the Mahratta Empire, who had also, amongst his Generals, Baji Prabhu, of whose military exploits, and sacrifice for his master the late Mr. Justice Ranade wrote in his *Rise of the Mahratta Power* that " they have been compared with the heroic defence of the pass of Thermopyle, so well-known to the readers of Greek history." This section of the community has given us in modern times such distinguished and eminent administrators and public men as Sir Gangadhar Rao Chitnavis and Sir Shankar Rao Chitnavis of Nagpur, Sir Mahadev Chaubal of Bombay, the late Mr. Samarth, Member, India Council, and Mr. G. R. Pradhan, one of the Ministers in the Bombay Government and now an Executive Councillor. Last, but not least, I should mention the name of Dr. Sankar A. Bisey, who has made his mark in America as a distinguished inventor of world-wide reputation and is known in that country as " the Edison of India " for the invention of his single and multiple type-casting machines, and (in Chemistry) for water soluble non-irritating and non-poisonous iodine, known as Atomidine and Bestin. As it was obviously desirable to bring into the Conference so important a section of the community, its organisers acted very wisely when at the last session held in Calcutta, in December 1926, they offered the chair to Sir Shankar Rao Chitnavis. That session of the Conference, held but two years back, thus consolidated into one body the entire Kayastha community and it now rests with us to so shape our programme that it may lead to the well-being of the community as a whole, irrespective of provincial boundaries or such distinctions as we have inherited from the past —due to historical causes—of being divided into sections known as Hindustani, Bengali and Mahratti.

IV.

Having now treated briefly the origin and the striking developments of this movement, I shall next address myself to discussing whether a movement confined to a particular community can be held—at any rate, now—to be at all beneficial in its activities, in so far as the general progress of the country is concerned. This question is, to my mind, an important one for a communal conference to consider, as its decision may be of a far-reaching character. You are no doubt aware that, particularly during the last few years, a revulsion of feeling has come over certain sections of the educated community in regard to the value and utility of communal conferences. It has been chiefly due to the fact of the following in the wake of this Conference—which was the first in the field—of a large number of similar conferences, confined not only to large communities but to sections or subsections of them, that earnest reformers and well-wishers of the country have been repeatedly asking the question whether the multiplication of such conferences is likely to lead to the good of the country as a whole or whether they do not, by accentuating local and parochial considerations, retard the growth and development of the country, specially in the matter of the evolution of an Indian nationality. I must tell you frankly that in my opinion this is a question which cannot be shirked but must be faced. It merits serious consideration—whatever the view which one may ultimately take of it as the result of careful and earnest deliberation and discussion. Amongst those who have taken the view that communal conferences are injurious to India's progress, I shall refer to but one eminent authority on our social history, a great scholar, a distinguished savant and, above all, an earnest social reformer, namely, the late Dr. Sir Ramkrishna Bhandarkar who expressed himself as follows:—"A wave of reaction has been sweeping over us for a good many years. I have heard of the formation of caste clubs and recently we have had periodical conferences of many castes. It is often urged in favour of such conferences that they are the means of the introduction of social reform in those communities. To that extent a conference may do good, but the assertion of the exclusiveness of the community

involved in the holding itself of a conference or the running of a club serves to harden the caste distinction instead of softening them. Hence these conferences and clubs are retrogressive in my opinion, for in our meetings and our conferences we should accustom ourselves to be guided only by the feelings of united nation." Now whatever may be said to the contrary, these observations of a great Indian reformer contain a warning which cannot be neglected or ignored, and in all that we say or do, either in this Conference or outside it, we should always be anxious that the result of our speech or action is not one which may be calculated, even remotely, to retard the progress of this country in the matter of developing national unity.

But that apart, this problem is after all not so simple as it may seem at the first blush. If merely by ignoring caste distinctions in our speech or writing and by talking of a united nation, we could evolve in its true sense an Indian nationality, then there has been already so much talk about it, that we should have long since been successful in our effort But unfortunately facts are stubborn things and it does not stand to reason that by merely ignoring our present limitations, we shall be able to rid ourselves of the effect of those sociological conditions under which we have lived for thousands of years. Now, the groundwork of our social system has been based for several millenniums on caste and all that that system implies. Many eminent sociologists, therefore—who have studied the origin, the developments and the effects of the caste-system on the people of this country—have come to the conclusion that whenever India is able to develop nationality, in that political sense in which that term is understood in western countries, it will only be by moulding and modifying the system of caste on correct lines, by adapting it to our modern requirements, and not by merely ignoring it or refusing to utilise it for what good result it may be likely to yield, if approached in the right spirit. This view, it is held, is based on the experience of western countries themsleves, where nationality has developed in a marked degree during the last few hundred years. Thus one qualified European authority—who is conversant with Indian conditions—writes on

the subject of the evolution of national unity in India as follows :—"There is no doubt that the general tendency of evolution is in the direction of unity. But it is at the same time in the direction of gradually increasing specialisation and differentiation. The two processes run side by side and may be observed not only in the wider evolution of communities and nations, but also in the smaller sphere of individual development. The question arises therefore: how are we to synthesize and reconcile two such apparent opposites? In what sense can unification and specialisation form part of one homogeneous process."

Now if the view propounded in the above observations be correct, it will have to be admitted that the process of specialisation and differentiation of the individuals and communities has still to be gone through by the vast bulk of our people· and it will have to be so passed through before we can hope to have a genuinely unified nation. By this expression I mean not that kind of make-believe unity which was witnessed during the last few years and which collapsed at the feeblest touch of some disruptive element, but that true unity which spring as an urge from within, as the result of a keen perception of its absolute necessity for the good of all the people in a country and is independent of any artificial aid, such as opposition to a common adversary, for the time being. This true unity, which alone can be the basis of nationality, is not likely to accrue merely from any such fortuitous circumstances as a sense of wrong against a common opponent, but should derive its sustenance from the indigenous elements in the body politic, as the result of sheer intellectual and moral necessity. That which is the outcome of such adventitious aid as an opposition to a common antagonist cannot in the nature of things retain any elements of permanence, for no sooner than the antagonistic factor disappears, the artificial unity is bound to cease to exist. According to this view, therefore, before there can be a true spirit of nationality in our country, each component part of the people must realise that its individualisation has reached a point in self-expression when it is desirable in the interest of further advance or progress to merge itself with other groups or

communities. In other words, before there can be a true effort at nation-building the integral factors of the body politic must come to realize that their specialisation has reached a point at which they may feel it to be to their advantage to merge themselves with others. Unless, therefore, all the communities making up the people of this country become self-subsistent and self-expressive, no true Indian nationality is likely to come into existence, for the unity to be perfect can only be the direct result, not the negation, of fully developed individualism of each organic part of the whole organism. If you look at the problem from this point of view, you will have no difficulty in appreciating the causes that have brought into existence the non-Brahmin movement in Southern India, the Bhumihar Babhan upheaval in Behar and the Mussalman opposition in general even to nationalist demands, culminating in a war on the Nehru Report, led amongst others by no other than the Maulana ex-President of the National Congress. The spectacle so presented to view is, no doubt, depressing and annoying, but it should be appraised at its true value as an inevitable concomitant of the present stage of our social evolution. The popular theory, therefore, which largely obtains at present in this country, that political unity can be brought about by ignoring or suppressing the sociological limitations of the component parts and is independent of them, seems not at all warranted either by experience or the teaching of history. That it is unsound is evident to all who have followed the course of events in this country during the last few years, the outstanding feature of which is the gradual disappearance of the artificial unity we saw some years back, under the pressure of the frailest of disruptive forces— to which it is unnecessary to refer in detail.

But apart from our experience and the lessons to be derived from the teachings of history, considerable support is lent to this view by the observations of one of the greatest European sociologists and thinkers, who writes on this subject in the following terms:— "Before there arise in human nature and human institutions changes having that permanence which makes them an acquired inheritance of the human race,

there must be innumerable recurrences of the thoughts and feelings and actions conducive to such changes." He adds that "the process cannot be abridged and must be gone through with due patience," and "the man of higher type must be content with greatly moderated expectations, while he perseveres with undiminished efforts," as "he has to see how comparatively little can be done and yet to find it worth while to do that little." Such being the divergence of views, I have noticed with gratification the opinion expressed by my esteemed friend, Mr. Ishwar Saran, in a recent contribution by him on the subject of this Conference, made to the columns of a local journal. This is how he reconciled the two seemingly conflicting views :— "In nationalism alone lies the salvation of India. Nationalism has peculiar difficulties to contend with in this country and the feeling of separateness generated by caste and intensified by innumerable subcastes is its worst enemy. How then, well may the question be put, can an Indian nationalist take part in a caste organisation ? To my mind—I do not forget that there is a serious conflict of opinion on this point—there is nothing inherently objectionable in a nationalist identifying himself with a caste movement provided, of course, his real motive is to serve the whole through the part. As long as castes exist, these caste movements, if wisely guided and controlled, can be made to render effective and useful service." I am disposed to agree with these views and it is in this spirit that I stand before you to-day to guide the deliberations of this Conference. I hope that nothing that we may say or do on the present occasion shall have the least trace of any such communalism as may be held likely to jeopardise the larger interests of the country.

V.

Having thus cleared the ground, we may now address ourselves to the task before us, with a better perception and a keener realisation of the problems that await solution at our hands and of the methods which we have got to adopt for solving them. During the last few weeks I have received from numerous friends throughout the country many valuable suggestions for being incorporated in this address and I cannot sufficiently thank

them for the trouble and interest they have taken in the matter. Almost all of them, however, have concentrated on particular questions in which each of them is interested. To my mind, however, the proper thing for the President of a Conference like ours is not so much to discuss particular problems as the principles underlying the movement for social reform and progress and to insist strenuously upon that fundamental law, which, so to say, constitutes the *raison d'etre* of the reform movement, *the law of continuous adjustment and constant adaptability to environment*, whether in the case of a particular individual or a group of human beings collectively, massed together as a people, tribe, race, community or nationality. If this law of adaptation to environment be as universal and inevitable, as it is now believed to be, then it is quite clear that efforts at reform in any given community should not be spasmodic or haphazard, but must be one long continuous process. Essential as the appreciation of this law may be in all spheres of human activities in other countries, it is all the more necessary in India, where we have long been in a most pitiable condition for want of capacity to adapt ourselves to our everchanging environment. It is clear that power and prosperity depend on this capacity, while decline may be dated from the time when glory is believed to have reached such a climax as to make men apprehensive to interfere with the existing order of things, lest a false step should lead to untoward results. From this time onwards the whole social system begins either to crumble or to get fossilized and it soon becomes incapable of replenishing its diminished vitality by the absorption of new ideals and new lines of progress. Once society is reduced to that level, the spirit of enterprise and reform disappears and it is but the dead body of the people that remains behind. This has been the state of affairs in this country, beyond all doubt, for at least one thousand years.

Now, I am as proud as anyone can be of the great achievements of my countrymen in ancient times, in the domains of religion, philosophy and literature. But every dispassionate student of Indian history and sociology will have to admit that the social system inherited by us from our forefathers has, on the whole, not been quite successful and has not fully subserved

the end in view. For one thing, it has not succeeded in enabling the people to resist successfully foreign invasions and aggressions, nor has it enabled them to hold their own in competition with the other nations, in various walks of life. The result of these limitations and deficiencies in our social system has been that for centuries and centuries we have lived under foreign domination, than which no greater misfortune can befall any people. And the whole atmosphere in which, even to-day, we live and move and have our being, is surcharged with dense ignorance and gross superstition. For more than a century now, eminent social reformers have been working amongst us for the regeneration of the people and though it is a matter of satisfaction that some progress has been made, specially during recent years, it is nevertheless clear as daylight that a great deal of leeway has got to be made, before the country will be in a position to take full advantage of the resources of modern civilisation, with which we have now been brought into contact, thanks to British connection. Until we, therefore, keenly realise the truism that it should be our constant effort, while conserving all that is good in our ancient system and tradition, to so mould it that it may be fully adapted to the requirements of modern civilisation, it seems that it would be futile to go on passing a long series of resolutions, from year to year, on this or that particular question. *That* we *have* been doing for the last forty-two years, but I am now trying to discuss with you the reason why we have achieved so little success in spite of our piling bundles on bundles of resolutions at each of our sessions and my unequivocal answer is that it is entirely due to the fact that till now though we have intellectually assented to the propositions embodied in our resolutions, we have not in our heart of hearts really believed in them. In other words, the reason of our failure has been due to a natural conflict between our intellect and emotion, a subject to which I shall refer later.

Again, our habits and methods for carrying on public work, due to our having been brought up in a vicious atmosphere, are such that they stand, to a large extent, in the way of our progress on right lines.

Leaving aside the masses, that is the vast bulk of our people, it cannot honestly be said that even we, the educated classes, have yet displayed, in any appreciable degree, the possession of that kind of character which one has to presuppose as existing amongst a really progressive people. Our extreme conservatism, our blind confidence in the existing state of things, our disbelief in the efficacy of change, our lack of enterprise and correct perspective, our reluctance to face stern realities, our effort to work round difficulties by resorting to metaphysical casuistries, legal subtleties and logical sophistries, our innate pride in the past with insufficient regard for the present and the future, our spirit of utter helplessness to contend with natural evils and to surmount difficulties, our over-anxiety to shirk responsibility and to take shelter for our actions behind someone else, our ingrained spirit of disunion, our habits of sheer indolence and procrastination, our loose, careless talk and reckless promises and assertions, our distrust of each other, the absence of any feeling of genuine co-operation and, above all, our sadly lacking in the appreciation of the virtue of organisation, these and many other patent defects of our character make earnest and steady public work difficult, slow, exasperating and, as often as not, abortive. If, therefore, we desire to make steady progress and to rise in the scale of peoples, we shall have to develop those phases of character which will enable us to discharge properly our duties and responsibilities both as citizens of the State and as members of the community to which we belong. We have thus to learn or rather to educate ourselves to perform treble duties. Firstly, to conquer the many shortcomings of our character and to extirpate from our minds the pernicious influence of early teachings and surroundings; secondly, to teach and help our coadjutors in public work to do the same, and, thirdly, to organise the work itself. All this is—when you come to think of it—a gigantic task which can only be accomplished by possessing a large fund of patience and by working strenuously, diligently and steadily, from year's end to year's end, by means of efficient organisations throughout the length and breadth of the country. Believe me, that to awake the

age-long sleeping Himalaya and to make it walk bodily to Land's End would be an easier task than to so organize and mobilize the forces of the community or the country as to put it in the way of achieving notable success in this direction within a reasonable time.

Merely, therefore, meeting once a year and passing sheafs of resolutions and then forgetting all about them till we meet again twelve months later, cannot obviously enable us to attain our salvation. At the present rate of our very slow progress, many generations will have to pass before we shall have reached a state of thorough working order. But it behoves us to keep always in view that everything, which tends to remove the obstacles to our progress, should be heartily and readily accepted, while those things that stand in the way unhesitatingly discarded. Amongst the latter the principal ones are our undue reverence for the past and a reluctance to alter for the better the system in vogue amongst us. I need hardly say that in making these observations I am thinking of our people in the bulk and not of exceptionally gifted individuals or even large cultured groups, for the simple reason that in judging of a people's character as an important—nay, an essential—element in advancement, the capacity of a few or of a small class or a few classes is not quite relevant. Those of you, however, who have studied English history carefully are, no doubt, aware that it was never the case that at any time England possessed indubitable superiority in intellectual capacity or culture in her statesmen over those of other European countries, but it was rather that since the Elizabethan times the vast bulk of the people of England have possessed character of a high order and have displayed that sense of unity and identity of interest which are the concomitants of high national character. Unless, therefore, we devote ourselves to mould and develop on right lines the aggregate of the character of the people, our dreams, whether for social or political or economic advancement, are likely to remain unrealised. I say this not to discourage the younger section amongst us or to damp their enthusiasm, but with a view to emphasise how vast a field of useful work is lying before us in the matter of the wide expansion of primary education and

reclamation of our people to a higher standard of living and a ready acceptance of progressive ideals. Here is work which may profitably occupy all of us for years and years—work than which none nobler or more patriotic can possibly be conceived or commended to earnest social reformers.

VI.

I would not be surprised, however, to learn that these observations of mine, while acceptable on the merits, are in a sense disappointing to some of you who expected me to discourse not on the principles and methods of social reform and progress, but on those special problems which are supposed to affect the particular community to which we belong. You will pardon my pointing out that in taking this view of the matter we are apt to fall into a grievous error. A careful study of the sociological conditions of this country and of its social problems will satisfy you that such an attempt to draw a hard and fast line of demarcation between the social problems affecting a particular community and those affecting others, or the country as a whole, is, in the nature of things, bound to be unscientific and, therefore, wrong and untrue. I feel sure you will accept my contention if you will apply the test of analogy to other branches of human activities. Students of comparative studies tell us that all branches of human knowledge—many of them having no obvious connection—are ultimately inter-related and have an appreciable bearing on one another. Buckle, the famous historian on civilisation, was the foremost to proclaim that "no one can have a firm grasp of any Science if, by confining himself to it, he shuts out the lights of analogy. He will never be able to enlarge its philosophy, for the philosophy of every department depends on its communication with other departments and must, therefore, be sought at their points of contact in the places where they touch and coalesce." Similarly, Sir John Herschel, the eminent scientist, has declared his views on the interrelation of all branches of human knowledge in the following terms: "It can hardly be pressed forcibly enough on the attention of the student of Nature that there is scarcely any phenomenon which can be fully and completely explained,

in all its circumstances, without the union of several, perhaps all the, Sciences."

So much for the co-relation of the different departments of human knowledge. I could multiply examples drawn from other departments of human activities, establishing the same point, but I forbear from doing so for want of time. I hope I have said enough to satisfy you that the attempt to draw the line of distinction between "communal" social problems and "general" social problems is not likely to lead to any substantial results. If this view be correct, then it is obvious that our one constant endeavour should be to find out the greatest common measure among the social problems affecting the people of this country as a whole. And if you judge it in this light, you will find that practically all the questions which you have been discussing for now over forty years—except perhaps a few minor ones—are those which affect the Hindu community as a whole. Nay more. Those of you who will be able to recall the memorable address delivered by that great reformer—the late Mr. Justice Ranade—at the Lucknow session of the Social Conference, held in 1899, will no doubt remember his teaching that there was in the domain of social reform and progress much common ground between the Hindus and the Mussalmans, "both of whom," he said, "lack many of those virtues represented by love of order and regulated authority." "Both are wanting," he went on to say, "in the love of municipal freedom, in the exercise of virtues necessary for civic life, in aptitude for mechanical skill, in the love of science and research, and adventurous discovery, the resolution to master difficulties and in chivalrous respect for woman-kind." Obviously, then, the main problems must affect all the Hindus equally. If but time permitted I could refer in detail to the resolutions passed by this Conference at its previous sessions, to show how they affect equally the well-being and progress of the other communities, constituting jointly with us, the great Hindu community.

VII.

But the real point—the crux of the situation, so to say—is not what resolutions you have previously passed

or will pass at the present session, but that of seeing to it that they are duly carried out. And here, from my long experience of having watched the practical working of your movement in Bihar and the United Provinces I may be permitted to say that it is the settled conviction of the members of the community that the resolutions of this Conference are no better than the scraps of paper they are written upon. Our committees and sabhas, where they at all exist, at any rate in these two important provinces, are mere paper transactions. They do no work and are absolutely moribund. Once the Conference is over, its adherents lapse back into their usual listlessness and apathy, our resolutions in condemnation of even such acknowledged evils as demands for exhorbitant dowries, are more honoured in the breach than the observance amongst large sections of the community, not only in the Upper Provinces but even, I am sorry to say, in advanced Bengal. Looking into the report of the Conference held in Calcutta, so recently as in December 1926, I find that the mover of the resolution about dowries delivered himself as follows: "The evil of dowry remains as rampant as ever. I confess to a feeling of disgust that we have not been able to do anything to carry out this resolution. What is the good of our passing resolutions if we do not put them into effect?" The seconder spoke on the subject as follows: "This canker is eating into the vitals of the middle classes in Bengal. It is a crying evil specially amongst the Kayasthas in this province." A third speaker on the same subject said: "This insidious poison, the dowry system, is eating into the vitals of the community and the middle classes are becoming totally impoverished on this account." But although this question of questions is being discussed for more than forty years in our Conference, it still remains unsolved, so far as the vast bulk of the community is concerned. These three short extracts will, I hope, satisfy you of the correctness of the position taken up by me, in the earlier part of my address, that such divergence between our profession and practice is due to a conflict between our intellect and emotions. It means, in other words, that though we intellectually assent to the soundness of a proposition, our emotions,

for want of development on right lines, stand in the way of our carrying it out in practice.

Now, it may at first sight seem paradoxical that our feelings should not permit us to do what commands our intellectual assent, but if you will take the trouble of indulging in a little self-introspection, you will realise for yourselves that there is nothing singular in this, as lack of courage of conviction is perhaps the commonest phenomenon in Indian public life. In almost all spheres of our activities, we find people professing views and sentiments which they dare not think of putting into practice. This interesting psychological problem is discussed by Herbert Spencer in a luminous essay on "Feeling *versus* Intellect" and this is how he explains the apparent inconsistency: "It is assumed that when men are taught what is right they will do what is right—that a proposition intellectually accepted will be morally pro-positive. This undue faith in teaching is caused by the erroneous conception of mind. Were it fully realised that the emotions are the masters and the intellect the servant, it would be seen that little can be done by improving the servants while the masters remain unimproved." That being so, you will see how tremendously necessary it is that our young men, in particular, should have a chance of improving, by means of proper exercise, not only their intellect but, even much more so, their emotions on right lines. For obvious reasons, however, it is not possible for our schools and colleges to offer our youth suitable opportunities for what can be properly developed and exercised only in the more congenial surroundings of one's home and as the home naturally implies the influence and guidance of women, it is clear that there cannot be surroundings favourable to the growth of our emotions in our homes unless our women are qualified by education to play their parts, as they should, in moulding the lives and destinies of the younger generations. In this view of the matter, you are brought face to face with one of the greatest problems of Indian reform, namely, the emancipation, physical and mental, of our women. I may venture to request you to address yourselves in right earnest to this problem of all problems than which none is more pressing or more

mergent. Unless we take up in all seriousness this great cause, which is clamouring for reform—"the woman's cause", which, rightly understood, is no less the man's—we shall have failed in our duty as educated persons and will not have proved ourselves worthy of the education we have received.

VIII.

Having said so much on the principles underlying the problem of social reform, I may now advert briefly to the method which, in my opinion, should be adopted in bringing it about. I have noticed with great regret the increasing tendency in the country to invoke more and more the assistance of the State in bringing about social reform. I am not to be understood to be laying down any such general proposition that in no circumstances should it be permissible to utilise the State as an agency for advancing social progress. In fact, in so far as social reform can be brought about by means of the expansion of primary education, the imparting of technical education and the development of industries, or the removal of conditions barring our social progress, the people must utilise the resources of the State for that purpose. But I do deprecate the present tendency in the country to rush to the legislatures with all kinds of bills for being enacted with a view to eradicate social evils. Frankly speaking, I am no believer in such a method, as I am not trying to make gentlemen of those who are not so, by means of legislation. Such enforced reform from outside will never lead to successful results, for the obvious reason that anything so mechanically superimposed cannot, in the nature of things, be the natural—and therefore permanent—growth and development on the part of either an individual or a community. After all, the chief value of social reform and progress is not merely to induce men to go abroad for education or travel, or to spread universal primary education, or to remove the bar against widow marriage, or to accelerate the tendency towards inter-marriage amongst various groups and communities and many other similar things—good and desirable as they all are in themselves. All these are, to my mind, but different important factors leading to the development, in men and women, in a

community or country, of that sense of personal responsibility and spirit of liberty in comparison with which everything else in this world is more or less valueless. To train people to develop ideals of personal liberty and individual responsibility should, in my opinion, be regarded as the fundamental object of social progress, for as Mill puts it "the worth of a State, in the long run, is the worth of the individuals composing it."

Holding this view, I desire to place before you as your ideal the transcendent and supreme importance of individual responsibility in all matters, except those in which the interference of the State is more or less necessary. The transcendence of personal liberty and individual responsibility does not seem to have been sufficiently realised by those who would invoke the aid of the State for almost all matters appertaining to social reform, now in the name of "protection" and now in the name of "prohibition". As Benjamin Disraeli has expressed it:—"We put too much faith in systems, but too little in men." I think it were wise if we recognised it more distinctly than we seem to do at present, that after all everything depends in this world upon individual character and that if every citizen really did his part the State might become almost superfluous, but that if individuals fail in their duty, no machinery that the State can organise would avail to save the people, as a whole, from going down the slopes of decadence into disaster. Fines and imprisonment should not, therefore, be regarded as normal conditions of the social reform movement, which to be successful must be spontaneous and based upon a people's conviction and not forced on pain of penalties being imposed upon them. I trust, therefore, that claiming as you do to be an enlightened, cultured and progressive community, you will insist upon keeping this higher ideal constantly before you. Although the process of reform through your own efforts may be slow and even painful, you should prefer it rather than rush to the short-cuts of attempting to make human beings better by means of legislation or ordinances. It may be easy to decry these views as "mid-Victorian," but they are nonetheless absolutely sound,

as warranted by the whole course of human history and experience.

IX.

So far as the larger number of reform problems are concerned, we share them in common with the other communities in this country, as I have insisted above and it is not necessary for me to attempt to deal with them. It is a happy sign of the times and a very hopeful one, indeed, that social reformers are now recognising more and more the essential identity of those interests which at one time were regarded as more or less divergent. Of late, even purely political institutions have been concentrating attention on the problem of social reform as an integral part of political work and organisation. Let me read out to you one short extract from an address delivered in December last. It is in the following terms :—" While, however, the Government has to answer for a great deal, it must be frankly confessed that we cannot honestly acquit ourselves of all blame for our present plight. The Government certainly is not to blame for the evils of our own social system, which has put our women under restrictions which deprive them not only of many natural rights but also of the opportunity to render national service. Nor is the Government solely accountable for all the communal differences which have contributed a dark chapter to the recent history of our own times. The campaign against social customs which retard social intercourse and national growth is essential for the success of any programme, but we have so far paid the least attention to it. The purdah and the other disabilities of women are a curse we should wipe out without delay. If woman is the better half of man, let us men assist her to do the better part of the work of national uplift. To get rid of purdah and reorganise domestic life no money is wanted, even individuals can and should do their best." Now, many of you would probably think that this extract is from an address delivered at some social reform conference, as it bears purely upon topics discussed at gatherings convened for advancing social progress. You will perhaps be, therefore, surprised when I remind you that the quotation is from the presidential address of Pandit Motilal Nehru, delivered at the last session of the

National Congress. No President of a social conference could have laid his finger on the social evils from which the Hindu community as a whole is suffering more accurately than is done in the course of Pandit Motilal's observations. Now, what does that indicate ? It clearly establishes my contention that no hard and fast line can possibly be drawn between human activities, which are all inter-dependent and corelated, and, secondly, that to a very large extent the social evils from which we in this country suffer are not such as press upon one particular community alone, but are shared in common by all the others. In the circumstances, there can be but few special questions to which we can be asked to divert our attention, as affecting our community only.

X.

Of these the one which, I believe, presses heavily upon us at present is that in regard to the demand for dowries in marriages. In the earlier part of this address, I quoted three extracts from the speeches delivered at the Calcutta session of this Conference, held in 1926, showing the disastrous effect upon the community of exacting heavy dowries from bride's parents. It would be bad enough, in all conscience, were it confined only to our community in Bengal, but unfortunately that is not the case. I fear this wretched system of extortion, or sale and barter—call it whichever you like—under which the bridegroom's parents mulct the bride's party of very large amounts of cash, on pain of girls of marriageable age remaining unmarried, obtains as largely in Bihar and also, I fear, in the United Provinces. In Bihar it is a crying evil but unfortunately all the resolutions passed upon this subject by this Conference, during the last forty years or more, have been a dead letter. Nay, more—it is the settled conviction amongst large sections of the community in Bihar that some of those who have been leaders of this Conference have been, not unoften, the worst offenders in this respect It is for you to devise effective means for checking this rapidly-expanding evil. Apart from educating public opinion on the subject and keeping a strict and vigilant eye on the malefactors, whose action should be exposed and condemned at our annual gatherings and also in the press, the one solution which, in my opinion, will prove

efficacious is that of inter-marriage amongst the various sections of the community, by providing a larger circle for choosing the bridegroom, but unfortunately it is practically unknown at present.

The Bengali Kayasthas, who are divided into four territorial groups have lately broken the barrier amongst two or three sections, but, if my information be correct, they also do not inter-marry freely amongst all the four sections even now—to say nothing of inter-marriages between Bengali and Hindustani Kayasthas. Amongst Hindustani Kayasthas such inter-marriages have been few and far between. If I may venture upon a piece of advice, it is that at this Conference you must concentrate upon the few crying evils in the community rather than hold a kind of roving commission in connection with all those matters which we share in common with the other sections of the Hindu community. I, therefore, earnestly hope that this Conference will solve this difficult marriage problem, which has already proved ruinous to a large number of families, and, unless satisfactorily settled, is bound to work much greater mischief in time to come. I have been told by some persons who profess sympathy with the idea of inter-marriage that they are reluctant to give effect to their view for fear that such marriages may not be legally valid. If I understand the law aright, there can be no doubt that inter-marriages amongst the various sections of the same community are perfectly valid in law and I hope no practical reformer will be deterred from carrying out this much-needed reform for fear of any imaginary or fancied legal difficulty.

But this problem is not one which should be tackled for the sake of affording facilities for marriages only. Its solution is called for, even more so, in the larger interest of fusing into one compact whole the various sections of the community, which I believe number no less than a dozen among the Hindustani Kayasthas alone and some of these have sub-sections—a kind of "lower deep in the lowest deep". So long as these sections and sub-sections remain, the centrifugal forces that have operated on us for ages past naturally lead to the existence amongst us of sectional and even

sub sectional movements and keep alive the distinctions which all sensible persons would like to see disappear. In spite of forty-two years of this Conference Hindustani Kayasthas are still sharply divided into twelve sections and many more sub-sections and the Bengalee Kayasthas, at least, into four. Now the only way to my mind, to destroy root and branch the disintegrating forces and to convert them into centripetal ones, is to have inter-marriage among the various sections and sub-sections of the community on an extensive scale. It is by this means and this means alone that the fusion of heterogeneous elements, in other countries, has come about and so will it be here amongst us, if only we are alive to our duties and responsibilities. But, unfortunately, we have done hardly anything appreciable in this direction, with the result that we continue to be hopelessly divided and go down in the race of life for want of unity and cohesion, when placed in competition with other communities, which compared with us are solid and compact. I appeal to you, therefore, in the name of all that is sensible and patriotic to address yourselves in right earnest to the solution of this very serious problem. I also venture to express the hope that our community in Bengal—a highly educated and gifted section—will leave no stone unturned in solving this problem of the fusion of its four territorial groups into one unified whole in their province. The fusion of both the Hindustani and Bengali sections between themselves and with the Prabhu section in the Maharashtra, may be looked forward to, to come about in the fulness of time. But we should not lag behind in doing what we can to-day, for it is a question of "now or never". If I may venture to address you in the highly eloquent language which the great Latin poet, Virgil, puts in the mouth of Sibyll, I would say that:—

> "Had I a hundred mouths, a hundred tongues,
> A voice of brass and adamantine lungs,"

I could even then hardly hope to make a sufficiently impassioned appeal to you to take practical steps immediately to bring about the fusion, into one compact whole, of our sub-sections and sections by means of

inter-marriage, which is the only remedy for the present miserable state of affairs.

To talk to members of the Kayastha community about the benefits and advantages of education or to impress upon them the expediency of its expansion would be like carrying coal to Newcastle; for an analysis of the figures given in the Census Reports of 1921 brings into strong relief their high position amongst the literate classes, in the various provinces of the country. In the Bihar and United Provinces they are easily the first in male education, while in Bengal they stand third, following closely the two other communities which are slightly in advance But while these figures establish a fairly high degree of literacy amongst the male population in Upper India, they equally clearly show the low degree of education amongst the females. I shall, therefore, invite your attention to the solution of this great problem of the advancement of our women, to which I have already made reference in an earlier part of the address. Next, therefore to the questions of dowry and inter-marriage, I shall advise you to direct your attention to the problem of female education with which is intimately connected that of female emancipation, that is, the removal, in a reasonable degree, of the restraints now placed by purdah upon the movements of our women. In this connection, I am glad to tell you that during the last twelve months there has been a remarkable change in Bihar in this respect and many of the prominent men in the community have taken a notable and commendable part in the female emancipation movement, which has been accelerated by the holding of the session of the All-India Women's Conference at Patna in January last.

So far as the education of our boys and young men is concerned, few communities in Northern India possess the advantage that we do, by reason of the existence at Allahabad of the Kayastha Pathshala founded by the late Munshi Kali Prasad "kulbhaskar", the University College of which is presided over by that well-known scholar, Dr. Tara Chand, a native of this city. This institution has done exceedingly good work during the period of 55 years since it was established

as a small school, so far back as 1873 and deserves well at the hands of the community. Its requirements in the way of financial resources are large and many a generous member of the community may do well to make his contribution to add to the resources of this great institution, the advantages of which are not confined to the members of our community alone. The University College—housed in a suitable building—is situated in the university area, while a new Intermediate College building is being erected at a cost of four lacs on a site of 90 acres acquired by the Government of the United Provinces, at one lac and a half, for which they are entitled to the gratitude of the community. The opening of this building, however, will not relieve us of our responsibilities, for the Intermediate College will require funds for the erection of hostels, which will have to be at least in twenty blocks to accommodate in each about as many students. Roughly each such hostel will cost Rs. 25,000 and the building, therefore, of twenty blocks will require not less than five lacs. Here then is a pressing demand which should evoke all that is generous and philanthropic in the community.

I shall refer now to but one more question before I conclude my address, and that is that of the economic distress in the community due to unemployment. I am aware that due to it there is great discontent amongst the younger generation of our community throughout Upper India. I quite understand that a community, which has been dependent for centuries past either on State services or the learned professions, must feel seriously handicapped when it finds itself in competition with others who, under the levelling influences of British rule, have betaken themselves to literary education, just like the members of our community. If the result of the competition rested on efficiency and ability alone, I do not think the young men of our community would have anything to fear from fair and open competition, judged by any test howsoever strict or high. But speaking from an intimate knowledge and experience of the working of Government, I feel I must declare that the tendency in Bihar and in the United Provinces—

perhaps in other provinces also—is to penalise as such the members of our community. This is a position to which you should not submit and I hope you will take all such action as may be legitimate and reasonable to bring this grievance of yours before the local Governments of the different provinces.

At the same time, I want our young men to realise, as well as they can, that the old order has changed giving place to the new and that we are not living now in the days when literary education was practically the monopoly of certain classes only—either amongst the Hindus or the Mussalmans. Instead of bewailing the new state of affairs, the best thing would be for our young men to gird up their loins to meet the changed situation and for the Conference to educate public opinion on this subject, by pressing upon our young men to betake themselves more and more to commercial and industrial pursuits. So long as they do not carve out careers for themselves outside the State services or the learned professions, the fate of the community may be taken to be sealed. It is not possible for any Government to provide with posts for all the educated men of one community; nor that all the successful men in the literary or the legal professions should be members now of only one community. Our young men should, therefore, be impressed and strongly impressed with the expediency and the desirability of chalking out for themselves careers in trade, industry and commerce. Contrast in this respect the average Britisher with the average member of our community. When the war broke out, a number of our British fellow-subjects in this country, employed in the civil services, buckled on their armour and went to fight for their King and country. Those who fortunately survived returned to their work of administration; those amongst them who have since retired on pension have set up various careers for themselves in their own country in trade and commerce—while here our average young men are only grumbling that they are being asked to give up their literary careers and betake themselves to some technical profession. The only solution, therefore, of this problem of unemployment and economic distress is for our young men to receive their

training more in Science and technical studies and less in literary subjects or law. Let them aspire to be great captains of industry and great commercial magnates, instead of trying to be merely great advocates or great officers under the State. I may also earnestly impress upon them to do their duty by the country by joining the territorial force.

XI.

I fear I have inflicted upon you a rather long address, the only justification for which is the tradition—now unfortunately so-well established in this country—that a presidential address should be, if nothing else, at least, inordinately long. But before I resume my seat I would like to tell you that I have been all my life a great believer in the power of the press—an efficient, a well-conducted and a well-organised press—for the purpose of carrying on propaganda and educative work for all purposes—political, social, educational, economic and industrial. Now, in this, as also in many other things to which I have drawn your attention, we are sadly lacking. The idea of any reform movement in Europe or America being carried on, without the reformers have even one good organ of their own, would be, to a European or an American, inconceivable and, in fact, ridiculous—though it is, of course, not so amongst us in this happy-go lucky land of ours. I am firmly persuaded that to the extent we have failed in achieving the objects with which this Conference was inaugurated in 1887, it has been principally due to our not having been able to organise an efficient press for carrying on propaganda. I have read during the last forty years almost all the journals which have been started by the members of our community and which have all failed and disappeared, as they perhaps deserved to do, as not one of them was adequately equipped and organized to resist the law of the survival of the fittest. I shall, therefore, strongly impress upon you the desirability of establishing well-conducted journals in different languages and in different provinces to advance the cause which you have at heart. If you cannot do that, you will have to thank yourselves for continuing to live in that stagnant condition in which you find yourselves at the present moment, True,

there are at a few places communal organs both in Bengal and in Upper India, which by reason of the good work they are doing in advancing the cause of social reform and educational progress, deserve well at the hands of the community and I hope they will manage to survive the epidemic of mortality that has so far afflicted our press. But just as a few swallows do not make a summer, so two or three monthlies will not serve the object we have in view. But I need not pursue this matter any further and I shall leave my suggestion in your hands in the fullest hope that this Conference will be able to come to some decision on the all-important question of the organisation of an efficient press for the advancement of the community in the different provinces.

XII.

I must now bring my remarks to a close. For reasons explained by me above, I have not tried to cover the whole range of your activities but have confined myself to but a few of them and even in their case I have taken them more as illustrations of my propositions rather than make an attempt to exhaust their discussion. In fact, my main object in this address has been not so much to exhaust the discussion of any one subject or group of subjects as to stimulate the thought—with what success it is for you to judge—of the younger generation and make them think for themselves. My primary effort has been to impress upon them the downright necessity of adopting in their mental outlook a change, which may enable them to grasp that stern reality—the inevitable, universal and supreme law of adjustment to environment as the essential and fundamental factor in human progress, which operates not only in physical but also in the ethical world ; for as pointed out by so eminent an authority as Dr. Sir James Frazer " the old view that the principles of right and wrong are immutable and eternal is no longer tenable and the modern scientific view is that the moral law is as little exempt as the physical world from the law of ceaseless change and perpetual flux". He insists that if we contemplate the diversities, the inconsistencies, the contradictions of the ethical ideas and practice, not merely of different peoples in different countries, but of the same people in the

same country in different ages, we shall be able to realise that the foundations of morality itself are not eternally fixed. If they so seem to us, it is because we do not extend our view beyond the narrow limits of our time and country and also because the rate of change is generally so slow that it is imperceptible at any moment. Such a comparison, if carefully made, would convince us that if we speak of the moral law as immutable and eternal, it can only be in the relative or figurative sense, in which we apply the same terms to the great mountains in comparison with the short-lived generation of men. But any geologist will tell us that the mountains too are changing, though we do not perceive the change and this scientific truth has, as you are aware, found expression in literature in a beautiful and well-known stanza in Tennyson's *In Memoriam.* In fact, it is now a scientific axiom that nothing is stable or abiding under the sun and that this world is not so much in a state of being as of becoming, and we can thus as little arrest the process of evolution in the moral or material world as we can stay the sweep of the tides or the course of the stars. That being so, our duty is quite clear to take advantage of this great law of life and to so shape our ideas and conduct that by acting in consonance with it, we may subserve the great end of Nature—namely, progress from lower to higher forms and state. Weightier words have not been spoken on this subject than those uttered by one of the foremost of scientists, Georges Cuvier:— "Succeeding one another without interruption, thoughtful spirits—faithful depositaries of accumulated knowledge, constantly occupied in augmenting and vivifying it—have brought us in less than forty centuries from the earliest efforts of rude observers to the profound calculus of Newton and Laplace and the learned classifications of Linnæus and Jussieu. This precious heritage, always accumulating—brought from Chaldea to Egypt, from Egypt to Greece, hidden during the ages of darkness and misfortune, rediscovered in more happy times, spreading unequally among the peoples of Europe—has been followed everywhere by wealth and power: the peoples who have cultivated it have become the masters of the world: those who have neglected have fallen to feebleness and obscurity".

Practically the same conception of human progress is embodied in the soul-stirring words of a great American poet, James Russell Lowell, which I would commend to the careful attention of the younger generation :

New times demand new measures and new men:
The world advances and in time outgrows
The laws that in our father's day were best :
The time is ripe and rotten-ripe, for change:
Then let it come ; I have no dread of what
Is called for by the instinct of mankind,
Nor think I that God's world would fall apart
Because we tear a parchment more or less ;
Truth is eternal ; but her effluence
With endless change, is fitted to the hour ;
Her mirror is turned forward, to reflect
The promise of the future, not the past.

BANDE MATARAM.

II

SOLIDATORY AMONG HINDUS. *

GENTLEMEN,

It is to-day my pleasant and agreeable duty to offer you on behalf of the Reception Committee, a cordial welcome to the present session of the Bihar Provincial Hindu Conference. In fact, no duty could possibly be more pleasant and congenial than the one assigned to me by the Reception Committee. Personally, I would have preferred that the choice of the Reception Committee had fallen, for the office of the Chairman, on some one who is a native of the city at Patna and not like me, an interloper and merely an imported stuff. But I have felt bound to obey the decision of the Reception Committee and I gladly stand before you now to accord to you a hearty welcome to the ancient and the modern capital of the province of Bihar. Many of you have travelled fairly long distances to attend the Conference. Many of you have had, I have no doubt, to forego important work to be able to attend this session, but in coming here to-day to assist the deliberations of this Conference with your advice and opinion you have been impelled by patriotic motives, which we, the members of the Reception Committee, highly appreciate and admire. We wish we could persuade ourselves that we had done all that we could do to make your stay amongst us pleasant and comfortable, but I am sure you will not mind the discomforts and inconveniences that will fall to your lot here, owing to our imperfect arrangements and will take the will for the deed, by taking into account what we intended to do for you but have failed to do. I, therefore, venture to hope that you will forgive our shortcomings in the matter of the arrangements made by us for your comfort and convenience.

---

* *Speech made as Chairman of the Reception Committee of the Bihar Provincial Hindu Conference held at Patna on the 26th December, 1931.*

TWIN GODS.

Even in the advanced countries of the West, their people, though enjoying the benefits of political freedom, are in many matters slaves to convention and fashion and it is not surprising, therefore, that we, in this country, should have, even more so, fallen victims to the tyranny of these twin gods. I am mentioning this in connection with the tradition established in our public life that the Chairman of the Reception Committee should try his best to take the wind out of the sails of the President's address by himself inflicting upon the audience a speech of portentous length covering practically the whole ground which only the President can be expected to traverse. This tradition has become so well-established amongst us that many kind friends have written to me to suggest that I should embody in my address of welcome to you this or that particular suggestions of theirs. In fact, I have received so many of these friendly but unsolicited suggestions that could I but persuade myself to incorporate even a portion of them in my address, my own performance before you to-day would have assuredly taken very much longer time than the delivery of the presidential address is likely to do. But though you may not believe it, I am stating but the barest truth without, however, any sense of vanity, but merely as a statement of fact, that I have been all my life a rebel against customs, conventions and fashions, when I have felt that their observance would not be justified on the merits. And as I feel strongly that this custom, which has steadily grown amongst us (of the Chairman of a Reception Committee inflicting an unnecessarily and prodigiously long address on the audience outside the legitimate scope of his duty) is wholly unjustifiable, and, in fact, grossly unfair to the occupant of the presidential chair, I shall absolutely refrain from adopting it and shall confine myself to but a few general observations, rather than attempt to deal with the many serious and important problems, the discussion of which justly appertains to the domain of him who holds the office of the President of the Assembly. I feel all the more justified in making this, perhaps, bold departure, as the President of the present session of the Conference, Bhai Parmanand Saheb,

justly enjoys the reputation of being a distinguished champion and a skilful advocate of the claims and rights of the Hindu community. It is not for the first time that he is amongst us to-day to preside over a session of the Bihar Provincial Hindu Conference. He has been amongst us before on a similar errand and is quite familiar with the problems of the Biharee Hindus in particular. I am, therefore, sure that he will be able to give you useful lead and a sound guidance to your deliberations.

AIMS OF THE HINDU SABHA.

If I understand the position aright, the Bihar Provincial Hindu Sabha or, for the matter of that, the Hindu Mahasabha to which it is affiliated is by no means an out-and-out political body. In fact, until about less than ten years ago, the Mahasabha was concerned with our religious and social problems only. It is only in recent years that as a result of the latest political upheaval in the country, it has been forced to develop a political side as well. I am aware that the latest development of the Hindu Mahasabha, namely, its appearance in the political arena, has not been welcomed by certain sections of the people—both amongst Hindus and non-Hindus. Nor is it surprising, for the political activities of the Mahasabha have been based on a practical appreciation of the stern realities of life in this country, rather than on mere political theories. Those, therefore, amongst us, who in their consideration and solution of political problems are swayed by the influence of theories rather than that of hard facts and actual conditions obtaining at present in this country, are naturally not disposed to welcome a body like the Hindu Mahasabha. The presentation by it of unimpeachable data drawn from the actual realities of Indian life to-day and the inferences deducible therefrom are thus naturally calculated to disturb the equanimity of those who in their well-meant anxiety for national or communal progress prefer to ignore facts and figures which are not likely to strengthen their hands in hastening the day when their political ideals are to be realised. That to my mind is the only true explanation why certain sections amongst the educated

Hindus still look askance at this movement. As for the sections amongst the non-Hindus in this country, who are unfavourable to the Mahasabha movement, their prejudice too against it is equally easy to understand, for till the Mahasabha added to its activities a political side there was no organised body representing the Hindu public opinion as such. The result evidently was—and I can speak on this question from a long experience—that till the Hindu Mahasabha became a political body as well, Hindu public opinion either in negotiations with the Government or with the non-Hindus, always went by default for the simple reason that the bulk of the Hindus at that time did not approach public question from the strictly Hindu standpoint even when it was called for. That is not, however, the case now.

HINDUS' PERSPECTIVE.

At the present moment through the medium of the Mahasabha and its affiliated provincial Sabhas it is now possible for all, who may care to do so, to obtain the perspective of Hindu public opinion, as such, clearly reflected. Now that, to my mind, is a great advantage in a country like ours. In countries, advanced in political conceptions and ideals like those of Western Europe where the vast bulk of the people are influenced in their judgment by consideration of the purest patriotism, things stand obviously on a different footing from those in the India of to-day, where to our dire misfortune, some fairly large sections of the body-politic have not yet passed, in their mentality and political outlook, beyond the range of purely communal considerations. In such a state of affairs, discussions of political problems under the influence of political theories, not wholly applicable to actual conditions of life, naturally lead nowhere, as you have recently witnessed in the proceedings of the Round Table Conference in London. In fact, the only result of negotiations carried on by the various political groups and parties acting under the influence of conflicting ideals and aspirations is nothing but disruption and disharmony in our public activities. It is, therefore, all to the good that there should be now in existence a fully organised and

representative body like the Hindu Mahasabha which clearly reflects Hindu public opinion without any suspicion of its being dominated by mere theories having no relation to facts and absolutely remote in their application to the present political realities in this country.

But, as I have mentioned above, the political activities of the Mahasabha movement are only a recent growth and it may be hoped that with a better appreciation of the realities of life amongst us by all classes and communities, they may disappear in course of time—be the realisation of it ever so distant. But that will not in any way affect the question of the continuance of the non-political activities of the movement. The reform movement in Hinduism, fortunately, is coeval with its existence, and I cannot foresee any time when it will not be necessary for the Hindus to be on the look-out to introduce suitable reforms in their social structure with a view to overhaul the machinery of their society and to adapt it from time to time, to their changing environments in a universe where it is all becoming and no being. Hinduism and the Hindu community have survived a long series of political cataclysms and catastrophes and many a vicissitude of fortune, simply because with all their so called rigidity, they have displayed at all times in the very long course of their history a most marvellous capacity for constant adaptability to their ever-changing environment. The result of it is that though the Hindus are one of the oldest peoples, they have not only survived in very large numbers and maintained their ancient and original civilisation more or less in act for now thousands of years, but are even to-day producing eminent scholars, poets, scientists, industrialists and political leaders who are slowly but nonetheless surely winning the applause and the admiration of even the western world. I need not attempt to enumerate them since their names are as household words amongst us. But while that it is so, it will be unpardonable on our part to shut our eyes to the fact 'which has stood out in bold relief throughout our history' that with all their greatness in various spheres of activities, the Hindus have seldom displayed a capacity for political cohesion such as we see in some other communities especially amongst our

Muslim brethren. This inherent incapacity of theirs has proved fatal to the political development of Hindu community and led, from time to time, to their suffering dire misfortunes. Even now it must sadly be confessed that compared with their Muslim brethren, the Hindus come out very unfavourable indeed in the matter of political solidarity. Here, again, it is not necessary to labour the point, for the proceedings of the Round Table Conference are a standing and conclusive proof of Muslim cohesion and solidarity on the one hand, and the Hindu disruption on the other. You know well that he only is wise who does not waste his time merely in picking holes in the character of his neighbours, but who tries to learn something from their good points and it were much to be wished that instead of merely finding fault with our Muslim brethren for their many real or fancied shortcomings as some of us are apt to do we learn from them at least one lesson of greatest value, which is, that of attaining political solidarity if we are ever to succeed in the fulfilment of our legitimate aspirations. There can be no two opinions that the prevalence to a very large extent of disruptive and disintegrating forces in the Hindu body politic is proving even to-day very baneful to the progress of the Hindus and it is, therefore, that I have felt justified in taking a little of your valuable time in striking this note of warning.

PART V.

PERSONAL

PART V.

PERSONAL

I

PANDIT MADAN MOHAN MALAVIYA AS I HAVE KNOWN HIM.*

I feel highly honoured by the invitation, extended to me by the Madan Mohan Malaviya Commemoration Volume Committee, to contribute a paper on some of my personal reminiscences of the great patriot, eminent orator and distinguished educationist, whose innumerable services to the country the book is intended to record and popularize. I readily respond to this invitation with great pleasure, not only because of the happy and cordial relations which have subsisted between Pandit Malaviya and myself for now a period of over forty years, but also because it has been my great privilege to have been associated with him, in many public activities, both in the central legislature of the country and also outside it. There is also this fact to keep in mind that, unfortunately for our country, a large number of the public workers and leaders of public opinion, with whom Pandit Malaviya has been associated in his long public career, have passed away and I doubt if there are now many left, who may claim, as I may do, to have known and worked with Pandit Malaviya for now over four decades. This is, therefore, an additional reason for my acceding to the wishes of those who have made themselves responsible for the Commemoration Volume.

**Contributed to the Madan Mohan Malaviya Commemoration Volume.*

It is now forty-three years since I—then a youth of seventeen –first heard the name of Pandit Malaviya, as a young and enthusiastic worker in the cause of our country. Members of my family had long been connected with various branches of the public services, both in Calcutta (then the seat of the Government of Bengal and Bihar) and also Agra and Allahabad, from a time anterior to the creation of the then North Western Provinces, in 1835 as a separate administration from that of the "Bengal Presidency" and so it happened that in 1888, some of those members of my family, who were then occupying high position in the judicial services, in what is now the "Province of Agra", were at our ancestral village (in the Shahabad district of Bihar) with their sons, who were prosecuting their studies in the Muir Central College, Allahabad. I was at that time studying in the first year class of the Patna College and happened to go to my ancestral village, during the summer vacation. It was there that I first heard glowing encomiums from my relations, on the public career of the youthful Pandit Malaviya. I shall never forget, if I live to be a hundred, the deep impression which the panegyrics, which my young relations bestowed upon the public activities and the eloquence of Pandit Malaviya, made upon me. Not only (as I soon came to find out for myself) did they very justly extol his patriotism, and hold up to my emulation his earnestness and enthusiasm in the cause of the country, but they also expressed the highest admiration for his powers of public-speaking, as an accomplished debator and a powerful orator alike in Hindi and English. The result was that I developed a strong inclination to make his personal acquaintance, and I made up my mind to go to Allahabad to meet him there, at the earliest opportunity. Fortunately, for me, the fourth session of the Indian National Congress was to be held that very year at Allahabad, during the Christmas week and accordingly I not only made up my mind to meet Pandit Malaviya at the Congress and hear him, but communicated my resolution to my relations, who cordially welcomed the idea and encouraged me to come to Allahabad and so, as soon as the Patna College closed for the Christmas

vacation, I found myself in a third class compartment on my way to Allahabad.

II

The session of the Congress, which was held at Allahabad in 1888, was, in more senses than one, a unique demonstration of the rising upheaval of the national consciousness of India, which had been accelerated by strenuous opposition to the nationalist movement by the late Sir Auckland Colvin—the head of the administration, at that time, of the North-Western Provinces and Oudh—and also by the late Sir Syed Ahmad. The result was that Congressmen had been naturally put upon their mettle and they left no stone unturned to make the session not only successful but memorable. They accordingly secured for their president a well-known and liberal-minded Scotsman, an ex-president of the Bengal Chamber of Commerce and a man of very great influence in the British commercial community in India, namely, the late Mr. George Yule. For the chairmanship of the Reception Committee, they had the worthiest Indian then available, in the person of the late Pandit Ajodhyanath, the leader of the Vakil Bar in the Allahabad High Court. Till then the province of Bihar had not taken an active part in Congress politics and affairs and had been wholly unrepresented at the first session of the Congress (held in Bombay in 1885) and but poorly so at the second and third sessions held in Calcutta and Madras respectively; but there was a strong contingent from Bihar at the Allahabad Congress, which was a unique and an unprecedented gathering. It was amidst such surroundings that I found myself in the visitors' gallery, when the Congress opened on the first day of the session, with a wonderfully impressive speech delivered by Pandit Ajodhyanath and a highly thoughtful and strikingly suggestive presidential address by Mr. George Yule. I was so much interested in the proceedings of the Congress that I sat, so to say, glued to my seat all the days and all the time that its session lasted. I heard—for the first time—dozens and scores of eminent Indian leaders, addressing that vast concourse. Some of the powerful speeches delivered by the greatest Indian speakers of the time made a deep impression on my

young mind—for instance, those by Surendranath Banerjee and Kali Charan Banerjee of Calcutta, Eardley Norton of Madras and Pherozshah Mehta and Kashinath Trimbak Telang of Bombay. All seemed to me wonderful and extraordinary performances and so no doubt they were, especially as then judged, according to the standard of a young student, by me. But while I admired them all, none of the speakers made such an ineffaceable and indelible impression on my mind as did the truly eloquent speeches of Pandit Malaviya. I fully remember, even now, how intently absorbed I sat all the time Pandit Malaviya addressed that vast gathering. Unlike the great orators named above, Pandit Malaviya's speeches seemed to me to combine rare eloquence with remarkable sweetness and suavity. This first impression of mine of the characteristic of Pandit Malaviya, as a public speaker, has since then grown with my growth and strengthened with my strength and during the many years in which he and I worked together in the Imperial Legislative Council and outside it, the conviction has steadily grown upon me that though India has produced several unrivalled orators and debators, Pandit Malaviya is unique in the sense of being the only public speaker who tries to persuade the audience, not by reason of the power and vehemence of his language, but by great tact, wonderful gentleness and extraordinary charm, coupled with the most easyflowing fluency which, all combined, produce upon the hearer's mind and attention a soothing sense and at once carry conviction to it. I need scarcely add that I managed to get myself introduced to Pandit Malaviya by my relations, who knew him well and I shall never forget the kindness with which he treated me and so I returned from Allahabad on January 1, 1889, as the happiest young student in India at that time.

III.

In less than six months, I had another opportunity, given to me providentially, not only to meet Pandit Malaviya, but to have the privilege of playing the host to him and entertaining him, as a highly honoured guest, in my small student's residence, at Patna. This is how it occurred. I had gone back from Patna (during

the course of the long vacation of the College in 1889) to my native town, Arrah, where I heard from some persons, who were Congressmen, that Pandit Malaviya was expected there on the errand of the Congress I knew that Pandit Malaviya was at that time editing a Hindi paper, called the *Hindustan*, of which a great Congress leader of that time, Raja Ram Pal Singh (of Kalankakar, in Oudh) was the proprietor. Ostensibly, therefore, Pandit Malaviya was coming to Bihar to advance the interests of the journal he edited, but his primary object undoubtedly was to popularise the Congress movement. He stayed for a couple of days at Arrah and all the time I was only too glad to get there an opportunity of attending upon him. He was so pleased with me that when planning his visit to Patna, he asked me if I could arrange to put him up. I said at once that though I was living in a small rented house near the Patna College, I would deem it as a very great privilege, indeed, if he would honour me by accepting my hospitality. He most readily accepted my offer and accordingly at the end of his visit to Arrah, both he and I went together to Patna, where he stayed for three days in my rooms. As he was not accompanied by any servant, he had to cook his meals, both in the day and at night. I had become so much attached to his personality that I gladly sat, not very far from him and talked to him all the time, even when he was cooking and taking his meals. Of course, he saw the leading Congressmen of Patna at that time, the most prominent amongst whom was the late Mr. Syed Sharfuddin (afterwards Mr. Justice Sharfuddin of the Calcutta and the Patna High Courts) and a public meeting was also held, which he addressed most eloquently, both in English and Hindi. When leaving Patna, he very kindly promised to take a personal interest in my career which, I am glad to testify, he has always done since.

Soon after Pandit Malaviya's departure, circumstances forced me to think of going to England to be called to the Bar and as I had nothing to fall back upon at that time, except such wits as Providence had endowed me with, I naturally thought of writing to Pandit Malaviya to secure for me some pecuniary aid from Raja Ram Pal Singh. I remember distinctly that I wrote many similar

letters to a number of distinguished Indian public men, some of whom I had come to know at the Allahabad session of the Congress. I have long since realised, what I did not do then, that it was foolish of me to have expected a response from any of them. But I recall with great gratification that of all those whom I addressed the only one reply I received, to my communication was from Pandit Malaviya. Of course, he was unable to assist me as the Raja Saheb had many far more deserving claimants on his purse than myself, but Pandit Malaviya wrote to me a highly sympathetic and genuine friendly letter (which is still a cherished possession of mine), in which he declared his conviction that though I might fail in my efforts to proceed to London to qualify myself for the Bar, he felt sure, from what he knew of me, that I would "go far and and fare well". His Brahminical prediction has certainly come off true in my case, for (from my point of view) I have had little to complain of in the course of a fairly long life. But it is for Pandit Malaviya to say whether his expectations of my career have been at all realized.

IV.

I retuned from London to Allahabad in February 1893, after my call to the Bar on January 26 of that year. There were at that time, at Allahabad, a number of my friends, specially from Bihar. The most prominent amongst whom was the now senior puisne judge of the Patna High Court, Mr. Justice Jwala Prasad. More than forty years back, few Hindus from Upper India had crossed the seas, and, in my case, I happened to be the first Hindu from Bihar, who had returned after qualifying in London. Naturally, therefore, there was a strong feeling that I should be accorded, on my return to Allahabad, a public welcome and accordingly a large meeting was arranged in the hall of the old Kayastha Pathshala buildings, which was presided over by an eminent advocate of the High Court. It was at this meeting that I had again the privilege of coming in contact with Pandit Malaviya. He made a fairly long speech, relating all that he knew about me and the impression that he had formed of me and wished me all the good things in the world, on my joining the

Patna Bar. From this time onwards, Pandit Malaviya and I used to correspond with each other on important public affairs and used to meet either at Allahabad or generally at the places where the annual sessions of the National Congress were held from time to time. In 1896, however, owing to complete breakdown in my health, at Patna, where I had been practising till then, I transferred myself permanently to Allahabad and have lived there since, in my own house. From that time onwards till January 1910, when I was elected to represent the Legislative Council of Bihar and of Western Bengal (popularly known as the "Bengal Council") in the Imperial Legislative Council, Pandit Malaviya and I worked together in many public affairs at Allahabad. In July 1899, when I founded the *Hindustan Review*, I received from him most valuable assistance and also when I started—in January 1903—the *Indian People* as a weekly journal.

But the thing which I recall, at present, with a very great appreciation of Pandit Malaviya's perseverance and courage was the compilation by him of a portentous book on the Hindi-Urdu controversy, which was presented with an address, by a very influential deputation, to Sir Antony MacDonnell, and as a result of which he directed the optional use of the Nagari character in the courts of the North-Western Provinces and Oudh. It was an immensely difficult task to have obtained such an order from the local government thirty years back and none but Pandit Malaviya could have successfully achieved this purpose. For the sake of putting together this highly instructive and convincing work, he had to give up practically his practice for a period of from two or three years, and I distinctly remember him sitting in (what was called in those days) the Vakils' Association rooms of the Allahabad High Court, surrounded by piles of book of reference and standard works on philology—in place of being immersed in legal literature in that surrounding. In 1910, as mentioned above, Pandit Malaviya and I were returned to the Imperial Legislative Council to represent the two neighbouring provinces of Bihar and West Bengal and Agra and Oudh. The three years that we spent together at Calcutta and Simla impressed

me very highly with the value of the great work that he did, in his capacity as a councillor, for the country, even through the medium of that hopelessly defective legislature, in which there was a standing majority of an official phalanx Although the personality of the late Mr. Gokhale overshadowed that of his other non-official colleagues in the leadership of the progressive or the Congress party in the Council, yet Pandit Malaviya managed to retain his position as one of the foremost leaders and public men in the country and his contributions to the debate, on the many momentous problems debated upon, were always listened to, even by the official benches, with respect and admiration. Again and again, it had been my privilege to have co-operated with Pandit Malaviya in doing some little service to our country through the medium of the central legislature, during our two terms in the Imperial Legislative Council, when we served together as representatives of the two neighbouring provinces. During our second term, Mr. Gokhale had passed away, Mr. Sastri had come in and our ranks were reduced by the passing away of several of our old colleagues of the times of Lords Minto and Hardinge.

Yet with all these handicaps and limitations, Pandit Malaviya achieved a notable triumph as one of the distinguished leaders of the progressive party in the Imperial Council, during the regime of Lord Chelmsford. It was especially so in the year 1919, when the session was held at Simla, after the happening of the Punjab atrocities, in the summer of that year. The debates consequently were highly sensational, the army was specially represented by the nomination of a high military officer and the Punjab Government had, as its representative, its Chief Secretary, Mr. Thompson (now Sir James Thompson, Chief Commissioner of Delhi). The debates lasted for days and days, in which Pandit Malaviya took perhaps the most important part. Mr. Thompson was regarded by the official benches as a very powerful speaker, one of almost volcanic vehemence and his attacks on Pandit Malaviya were couched in as strong a language as he could safely indulge in, consistently with the use of Parliamentary etiquette. On one occasion he thought he would be able to score a point

against Pandit Malaviya by quoting from Milton's *Paradise Lost*, but the latter was equal to the occasion, and in his reply gave Mr. Thompson, not only a crushing rejoinder on the various points, but literally pulverised him by quoting another apposite stanza from the same great poet. Pandit Malaviya's Punjab speeches were truly intellectual treats of a very high order. In 1920, when I was returned to the Assembly and elected its first Deputy President, Pandit Malaviya was not a member of it, he having refused to stand for election in deference to the resolution of the Nagpur session of the Congress urging non-co-operation, but he came in at the second and third elections and retained his high position as a great parliamentary leader.

Of Pandit Malaviya and his varied public activities, I could write "much and long," but I hope, what I have been able to say so far, based upon my personal knowledge of his work and intimate association with him for over now forty years, will satisfy every reader of this volume, of what a great asset he is to the cause of our country's freedom and progress. It is not necessary for me to refer to his great and splendid work in founding and organising the Benares Hindu University, of which he has now been for some years, most deservedly, the Vice-chancellor. But above all his other services, the greatest to my mind, is his having been able to make up his mind, in the seventy-first year, to go to London to attend the second session of the Round Table Conference. Only those, who, like myself, have personal knowledge of his habits and genuine orthodoxy in matters social, can realise what a difficult task it must have been for him to have persuaded himself to go over to London. But unlike some other friends of his, I am not in the least surprised at his having "done" it, at last. Patriotism, in the best sense of the term, a burning love for the country of his birth, and a very keen desire to ameliorate the condition of his fellow-countrymen, have been the striking keynote of Pandit Malaviya's character as a public man and there is nothing surprising, therefore, in his having been able to bring himself round to proceed to London, when he felt that he was bound to do so at the call of his country. I associate myself with the prayer of the very large number of his friends and

admirers that Providence may vouchsafe to him, for a long time yet to come, health and strength to carry on his highly useful and most beneficial public activities and I earnestly hope, it will fall to his lot to see, before long, our great, ancient and historic country attain the full status of a dominion in the British Commonwealth of Nations.

II

ADDRESS TO H. R. H. THE PRINCE OF WALES.*

To

His Royal Highness Edward Albert Christian George Andrew Patrick David, Prince of Wales, K. G., G. C. M. G., G. C. I. E., G. B. E., M. C.

May it Please Your Royal Highness,

On behalf of the people of Bihar and Orissa, we offer Your Royal Highness a most cordial welcome on this, the most auspicious, occasion of your first visit to the metropolis of our ancient and historic province. The ancient city of Pataliputra, now known as Patna, which was once the capital of the great Empire of Chandra Gupta and his world-famous grandson—Asoka the Great—most heartily welcomes to-day the heir to the throne of the greatest commonwealth of the modern world. It is a truism that the political history of India opened, in the fourth century before the Christian era, in this very city of Patna, as the metropolis of the great Mauryan Empire of Chandra Gupta, who had at his court Megasthenes, as the famous Ambassador of Selukos Nikator, the Greek King of Bactria. As regards the still existing monuments of Asoka's beneficent rule, Your Royal Highness will, in the course of your tour, no doubt, see some of the magnificent monoliths reared by that great Beharee Emperor, on which he inscribed his famous Royal edicts laying down golden rules of conduct, which even we of the twentieth century would do well to constantly keep in mind. Not far from here—in the neighbouring district of Gaya—there is the ancient Buddhist temple at Budh Gaya, which is traditionally associated with the name of Asoka the Great. It is not only a unique object of antiquarian and architectural

---

**Address presented to His Royal Highness the Prince of Wales on the occasion of his visit to Patna on 22nd December, 1920.*

interest, but is admittedly the most sacred spot in the Buddhist world, as marking the site where Lord Buddha attained *Nirvana*, that is, became "enlightened" and is, as such, the point of convergence to the votaries of the Master throughout the world. The province of Orissa, which is now joined to Bihar, for administrative purposes, has been for ages out of mind the sacred land of the Hindus and contains, besides many glorious monuments of Hindu architecture, the well-known temple of Jagannath Puri, which annually draws large congregations of pilgrims from all parts of the country.

We recall with gratification the fact that at this identical spot, where Your Royal Highness is receiving our address of welcome, your august grandfather Edward VII—the first Emperor of a truly unified India—held a Darbar, when he came to this country as Prince of Wales in 1875. Your Royal father—our gracious King-Emperor—came here in 1911 and inspected the whole length of the river-view of this city which he, by his Royal Command announced but a few days before at Delhi, had raised to the dignity of the capital of Bihar and Orissa. With the example of the great interest displayed by Your Royal grandfather and father in our fortunes, it was in the fitness of things that Your Royal Highness should be in our midst to-day to see for yourself the progress made by the metropolis of this Royal Province.

Ten years have now elapsed since your august father, our beloved King-Emperor, made the momentous announcement at the Delhi Darbar of 1911 of his intention to establish the new province of Bihar and Orissa under the administration of a Lieutenant-Governor-in-Council. Since the inception of British dominion in 1765, we formed, till then, part of the old historic provinces of Bengal, Bihar and Orissa. The intention of His Majesty the King-Emperor, in sanctioning the creation of our province, was to give the Beharees and the Uriyas much greater facilities than existed before for furthering their advancement educationally, economically and politically. As the people of Bihar and Orissa had long been desirous of having a separate self-contained administration of their own, they received the gracious Royal message with

hope, rejoicing and a sense of profound gratefulness. We are glad to assure Your Royal Highness that our high expectations have been already, to a large extent, fulfilled. Though handicapped by a lack of financial resources, the province of Bihar and Orissa has made during the last ten years sure and steady progress. In point of population it stands fourth among the provinces of the Indian Empire. It is now equipped with almost all the political and legal institutions of a major province and those still required to make it completely self-contained are for the teaching of the higher branches of medicine, engineering and technology. Thus our people are at last enjoying the benefits of a very nearly self-contained and progressive administration, which, with its seat of government at Patna, is fully and equally in touch with all parts of the territories under its control. Though much has been done in the first decade of the life of Bihar and Orissa as a province, we are aware that very much more yet remains to be done. But we feel sure that our Local Government, even more so in future than in the past, will be unremitting in their efforts, so far as financial resources will permit them, in advancing education, especially technical and industrial, and in promoting measures tending to improve public ; as also in providing greater facilities for trade by opening communications throughout the province and in developing the ports in Orissa for the expansion of commerce.

Since the 29th December 1919 the status of our province has been raised by its elevation to a governorship, and we take it as an expression of His Majesty King-Emperor's gracious sympathy with the struggles of his people, in this Royal province, for a higher civic life, that ours is the only province, in the Indian Empire to have had the unique and signal honour conferred upon it of being administered by an Indian Governor. The appointment of His Excellency the Right Hon'ble Baron Sinha of Raipur as the first Indian representative of His Majesty gave our people unbounded satisfaction and genuine gratification and it is to us a matter of profound regret that owing to ill-health His Excellency Lord Sinha could not be present here to-day to accord to Your Royal Highness welcome in the name and on

behalf of the province, which we know he has been looking forward to with keen interest. The elevation of the status of our province is the direct result of the introduction into the government of this country of the Reforms associated with the names of the Right Hon'ble Edwin Samuel Montagu—His Majesty's Secretary of State for India—and the late Viceroy, Lord Chelmsford. We may take this occasion to inform Your Royal Highness that the Reforms scheme has been welcomed throughout this province as giving the people opportunities, which they lacked so far, of qualifying themselves, as soon as practicable, for full responsible government. We desire to assure Your Royal Highness that our people have fully availed themselves of opportunities now opened to them and they are working in a spirit of conciliation and goodwill, so that by making the Reforms scheme—which is admittedly meant for a period of transition—a thorough success, they may be able to justify their claims, at an early date, to a very much greater measure of civic freedom and political responsibility.

It will interest Your Royal Highness to know that Bihar and Orissa is the wealthiest province in the Indian Empire, in mineral resources. But it is only during recent years that efforts have been made to develop them. Lately the Local Government have directed especial attention to the development of our provincial industries and it is to be hoped that, in the near future, this province will have made sufficient progress in the expansion of its cottage industries as also in the establishment of large concerns worked by power. Of the many industries now established in the province, we may especially mention the Tata Iron and Steel Works at Jamshedpur which are justly associated with the honoured and revered name of that greatest captain of Indian industry—the late Mr. Jamshedji Tata. This large and important concern, which to a large extent utilises the iron ores of Orissa, is noteworthy for its being purely Swadeshi, in the sense that the whole of its large capital was raised in the country and the whole organization bears emphatic testimony to the enterprise of educated Indians and their capacity for carrying on important industrial concerns.

In conclusion, we beg of Your Royal Highness to convey to His Majesty the King-Emperor an assurance of our fervent loyalty to his Person and Throne and our deep-seated and earnest conviction that the realization by the people of India, in the near future, of Swaraj, as an integral part of the Great British Commonwealth, is indissolubly bound up with the continuance of the beneficent sway of Your Royal House over the Indian Empire. We also desire to assure Your Royal Highness that the people of this province have felt sincerely gratified at the visit which you have been pleased to pay to their metropolis, as they believe that the experience gained by you of the realities of life in the India of to-day will enable Your Royal Highness to appreciate more keenly than before their many pressing and crucial problems, as also to realize more vividly the trend of those political, social and economic forces, that have come into play in their midst, as the result of the ever-widening influence of education through the medium of English and are now daily moulding for the better the destinies of this ancient and mangificent land. We hope Your Royal Highness will carry away with you pleasant recollections of your short stay in the capital of our province and will continue to take sympathetic and an abiding interest in the fortunes of its people.

We beg to subscribe ourselves,

THE CITIZENS OF BIHAR AND ORISSA.

PART VI

MISCELLANEOUS

PART VI.

MISCELLANEOUS.

I

THE INTERNATIONAL PRESS CONFERENCE AT GENEVA.*

Having returned from Europe (in October 1927), I think I should send a communication about the International Press Conference which was organised by the League of Nations and held at Geneva from August 2 to 29, 1927, the session of which I attended as a representative of the Press of India. A week before the opening of the Session of the Conference, I received a pressing invitation from Sir Eric Drummond, Secretary-General of the League of Nations, requesting me to attend the Conference so as to represent the Press of India, which I was given to understand would otherwise go unrepresented, the gentleman who had been invited and had agreed to attend having been unable to go to Europe. The letter of invitation also stated that "the Conference is a meeting of individual experts and not of delegates of press groups and as such the invitation should be considered as personal, not involving the obligation of preliminary consultation with the press organisation to which you may belong". In the circumstances, I accepted the invitation and attended the session at Geneva from the date of its opening till that of its closing. Not being the representative of any particular section or group of the Press of India, but of that of the whole country, I thought I would best discharge my duty by holding, as it were, a watching brief on behalf of the Press of India, so that its interests might not suffer by letting judgment go by default.

As mentioned above, the session lasted for six days (exclusive of Sunday) and the gathering was indeed

**Issued as a Statement on Mr. Sinha's return from Europe.*

memorable. It was the first independent Press Conference of the whole world and thus differed from those previously held. No less than 38 countries were represented by 63 delegates, 20 assessors and 35 experts, representing not only States which are members and non-members of the League, but also all the five Continents and all the different categories of press interests—newspaper proprietors, cable companies, press bureaux and journalists' associations, besides representatives of the International Cable Association and of the great British, French and German newspaper distributing houses. In spite of the diversity of speech in a gathering of this character the work was carried on with remarkable smoothness by almost all the speakers using with wonderful facility either English or French—the only two languages officially recognised by the League of Nations. Every speech delivered in one of the two languages, was immediately rendered into the other by a highly competent staff of interpreters The debates even on most controversial subjects were carried on in a friendly spirit, without betraying any acerbity of feeling and the proceedings, as a whole, were of great significance as showing how in spite of obvious difficulties, business can be smoothly carried on by keeping the main object of the gathering in view.

A very large number of resolutions were keenly debated upon and ultimately adopted. Their full texts would cover several columns of a newspaper, but all of them can be divided under three main heads, namely, communication, circulation and journalistic facilities; or in other words, the collection, the transmission and the circulation of news. The first link in the chain was the resolution of the Conference to extend the freedom of the journalist for the fulfilment of his primary duties. The various resolutions under this head, however, naturally took note of the conditions in Europe and in countries where the European methods of journalism prevail, and they have thus but little reference to those obtaining in the Press in India. Similarly, a large number of resolutions were passed mainly affecting the question of communications with a view to effect improvement in news transmission. The third and the last subject dealt with, but which,

in a sense, was the most important, was that of protecting news, both before and after publication, against unfair appropriation. This question was more keenly and more warmly debated than any other before the Conference, and I think, Lord Burnham (who very successfully presided over the Conference) was fully justified in saying that "it represents a real triumph for journalistic statesmanship that unanimous agreement was reached on a subject of such vital importance." In view of the importance of the subject I append below the full text of the resolution :—

"(*a*) Concerning unpublished news: the Conference of Press experts lays it down as a fundamental principle that the publication of a piece of news is legitimate in all cases where the news in question had reached the person who publishes it by regular and unobjectionable means, and not by an act of unfair competition. Nobody can acquire the right of suppressing news of public interest.

"The conference is of the opinion that full protection should be granted to unpublished news in course of transmission for publication in those countries in which such protection does not already exist.

"No information destined for publication by the Press or through broadcasting shall be legally received by unauthorised persons for publication or use in any way for the purpose of distribution through the Press, through broadcasting or in any similar manner.

"There shall be no preferential right in official news issued by a Government or Government Department or by an official representing a Government or Government Department. All such news may be published without restriction in full or in part.

"(*b*) Concerning published news : In view of the widely differing conditions obtaining in various countries, the Conference is of opinion that the question of the protection of published news where reproduced in the Press or by broadcasting is one for the decision of the respective countries concerned and recommends that any Government to whom application in this respect is made by its country's Press should sympathetically

consider the advisability of granting protection. Such protection should, however, permit the reproduction of news within a specified period subject to acknowledgment and payment.

"This Conference affirms the principle that newspapers, news agencies and other news organizations are entitled, after publication as well as before publication, to the reward of their labour, enterprise and financial expenditure upon the production of news reports but holds that this principle should not be so interpreted as to result in the creation or encouragement of any monopoly in news.

"In order to realize these principles, it is desirable that there should be an international agreement and that the Council of the League of Nations, by resolution, should request various Governments to give immediate consideration to the question involved."

Put shortly, the resolution amounts to this, that the Conference did not wish to establish any monopoly in news or prejudicial control of the sources of public information but that it wanted to protect against unfair competition those great journalistic enterprises which by their initiative and organization bring the world's news at great cost of time and skilled labour to the use of the reading public. This resolution is, in my opinion, of great interest to newspaper proprietors and press organizations in India also, since so far back as 1900, a Bill was introduced by Lord Curzon's Government into the Imperial Legislative Council to be called (if enacted) the Telegraphic Press Messages Act, which tried to give proprietary right in news legally obtained by any one for a period of 36 hours from the time of the first publication. In view, however, of the great opposition offered to the bill by the Indian Press, it was withdrawn by the Government, though the Government had the support, for enacting the measure, of some of the leading Anglo-Indian newspapers. It would be seen that the resolution of the Geneva Press Conference leaves it open to the Government of each country to bring in legislation which may be considered expedient, if and when such legislation becomes necessary.

I venture to think that this short communication will interest the newspaper-reading public in this country. I believe there are in India one or two press organizations located in Calcutta and Bombay, but I am not quite sure if the range of their activities covers the press of the whole country. It seems to me that the time has come when a serious attempt should be made to establish on a sound basis a well-organised Press Association for the whole of India, with a Press Conference to be convened by it annually. If it has been possible for the League of Nations to organise an International Press Conference composed of the representatives of thirty-eight countries, it should not be an impossible task to call into existence and maintain an active and effective press organization for the whole of India. I am throwing out this suggestion in the hope that it may be ventilated in the press so that perchance some beneficial results may ensue from the discussion.

II

THE SAPRU-SAM HOARE CONTROVERSY: A SURVEY IN PROSE AND VERSE.*

The one topic of absorbing interest in India at present is the controversy resulting from the statement made by Sir Samuel Hoare in the House of Commons, in the last week of June, 1932, about the new procedure for "advancing" reforms, by scrapping the Round Table Conference and the very prominent part taken in it by Sir Tej Bahadur Sapru. Sir Samuel finding his first statement open to misunderstanding by the dull-headed Indians has made since several other statements, both inside and outside the House, while his pertinacious and pugnacious adversary has flooded the columns of the press by issuing the full text of his letter of resignation to the Viceroy, his searching criticisms of Sir Samuel's speeches, his skilfully-worded interviews given on them to the representatives of the Indian journals—in fact, everything except a speech on a public platform. I have no desire to take a hand in this highly exciting political controversy, but I do want to cut in to have my laugh over the whole affair and I want the readers of this essay to do the same.

"Sir Tej"—as on British analogy Dr. Tej Bahadur Sapru is often inelegantly so designated—has long been known as a learned jurist, a profound lawyer and a skilful advocate, but he has not been credited with possessing any very keen sense of humour. Hence, why he has taken Sir Samuel Hoare so seriously. If instead of being but deeply and widely read in literatures known as analytical, constitutional, institutional, intuitional, jurisprudential, sensational and pestilential, he had but betaken himself (like me) to the sole study of the literature operatorial—as collected, say, in the late Sir William Gilbert's famous *Savoy Operas*—he would have been in a far better position to meet, on

---

**Reprinted from the Hindustan Review, July-Sep., 1932.*

his own ground, a controversialist of the type of Sir Sam Hoare. But Dr. Sapru may well turn round to ask who the devil I am to advise him as to what he should have done or should do now. Well, I have already referred to my qualification and I shall now briefly proceed to give some examples of my pursuit of knowledge under difficulties. I shall do so mostly by means of quoting sundry apposite extracts, relating to the present controversy, from the various famous *Savoy Operas*. To begin with, to answer the question put by Dr. Sapru about myself, I may as well say—recalling Sir Samuel's favourite proverb about the caravan and the dog barking—that I claim to be "a pleasant fellow, the merriest dog that barks, as when there's naught else to laugh at, I laugh at myself till I ache for it", and I can do so till I have made Sir Samuel feel like "the saddest and sorriest dog in all England". Here's a little more about myself:—

> I've jibe and joke and quip and crank,
> For lowly folk and men of rank ;
> I ply my craft and know no fear,
> But aim my shaft at prince or peer,
> I aim my shaft and know no fear.

II.

On one occasion, arguing a case in the Allahabad High Court, Dr. Sapru (I am informed) gave a gentle shock to the learned Judges by citing a passage from Campbell's *Lives of the Lord Chancellors!* But has he ever cared to dip into the life-story of the great statesman, with whom he has rushed into fray, as embodied in the famous American book called *Lives of Unstatesman British Statesmen*, issued by a Chicago publisher, a couple of months back? Had he done so, he would have probably forborne from joining issue with Sir Samuel so lightly as he seems to have done. For then he would have known that though both he and his adversary may be addressed as "Sir," there is as much difference between merely a life-long knight and a baronet, who is a hereditary knight—which good Sir Sam is, the second of the race too—as between dear little Snowdon and the mighty Mount Everest. Now what is the characteristic trait of a baronet? Listen

to Sir William Gilbert, a greater authority on the subject than Sir William Blackstone, whom Dr. Sapru is constantly citing in courts. This is how Gilbert lays down the law (in his famous opera, *Ruddigore*) :—" All baronets are bad." This is rather prosaic, and so this in verse :—

> Oh ! a baronet's rank is exceedingly nice,
> But the title is uncommonly dear at the price !
> Ye, supple M. P's, who go down on your knees,
> Your precious identity sinking,
> And vote black or white, as your leaders indite,
> (Which saves you the trouble of thinking).
> For your country's good fame, her repute, or her shame,
> You don't care the snuff of a candle—
> But you're paid for your game, when you're told that your name,
> Wili be graced by a baronet's handle !

As " Pooh-Bah" would say (in *Mikado*), the verses quoted above are " merely corroborative detail intended to give artistic verisimilitude to the bald statement "—that 'all baronets are bad.'

III.

Having learnt now of the class to which Sir Sam belongs, let us try to learn something about him personally. The Chicago book—referred to above—tells us that at birth, in the family of a Darwinian-man he was " like most sons, masculine in sex ", but that at school he " did nothing in particular, but did it very well ". He was originally intended for the stage, and his favourite quotation at the time was Gilbert's famous song—

> Politics we bar, they are not our bent,
> For, on the whole, we are not intelligent.

Later, when he was sent to the university (in spite of himself) he developed some taste for brains. In one of his recent speeches, in the Commons, on India—unfortunately the passage is omitted even in Hansard—he is reported to have delivered himself as follows :—" I don't want to say a word against brains—I have a great respect for brains—I often wish I had a little

more myself—but with the Round Table Conference composed almost exclusively of Indians of intellect, what's to be the fate of the Joint Parliamentary Committee (loud applause and hilarious laughter)?" In putting it as he did, Sir Sam might have, or might not have, been ungrammatical, but he was decidedly, deliciously epigrammatical. May his shadow never grow less!

Poor, Dr. Sapru has been amongst those few who, at great sacrifice of health, energy and resources, have taken the most active part and the keenest interest in the proceedings of the Round Table Conference during its two sessions. He—poor man—is anxious that

> In a contemplative fashion,
> And a tranquil frame of mind,
> Free from every kind of passion,
> Some solution let us find;
> Let us grasp the situation,
> Solve the complicated plot;
> Quiet, calm deliberation
> Disentangles every knot.

That is the burden of Dr. Sapru's song. What of his opponent's? Listen :—

> I am an eminent logician,
> Who can make it clear to you,
> That black is white, when looked at
> From the proper point of view;
> A marvellous philologist
> Who will undertake to show,
> That 'yes' is another and
> A neater form of 'no.'
> I am a great arithmetician
> Who can demonstrate with ease,
> That two and two are three, or five,
> Or anything you please;
> But whether you're an honest man,
> Or whether you are a thief,
> Depends on whose solicitor
> Has given me my brief.

IV.

By birth, traditions, upbringing, convictions, and temperament the great Sir Sam is, of course, a staunch Conservative. I wonder if Dr. Sapru has ever heard the

famous song of the Conservatives ; well, let him listen to it now :

> I am an intellectual chap
> And think of things that would astonish you,
> I often think it is comical,
> How Nature always does contrive
> That every boy and every gal,
> That's born into the world alive,
> Is either a little Liberal
> Or else a big Conservative.

A "little Liberal" is an atrocious libel on Mr. C. Y. Chintamani—the President of the great National Liberal Federation ! As for the "big Conservative," here is Sir Sam's commentary on the sentiment enshrined in the song, with special reference to his present position as a member of the cabinet of the "national" Government of Britain :—"I am a Radical of the most determined description, right up to my waist, but my legs are a couple of confounded Conservatives and, on a division, they would be sure to take me into the wrong lobby. You see, they are two to one, which is a strong working majority."

It is with such a controversialist that Dr. Sapru has got to contend, and I shall not be surprised if he be worsted in the end. In one of his statements Dr. Sapru charged Sir Sam with attempting to reconcile the irreconcilable. But what's the latter's reply to it, made at the Central Asian Society ? Why just this—a suppressed passage, by the way, by the reporting agencies :—"In me there meet a combination of antithetical elements which are at eternal war with one another. Driven hither by objective (pro-Indian) influences, thither by subjective (anti-Indian) emotions, wafted one moment to the pinnacle of enthusiasm for self-Government for India by reason of the tremendous co-operation received from the Muslim Round Tablers, and plunged next into the cimmerian darkness of tangible despair by reason of the non-co-operation of the (worse than—extremists) Liberal Round Tablers, I stand unabashed as a living ganglion of irreconcilable views and sentiments, and it is idle to ask me to attempt to reconcile them (loud applause). I hope I make myself quite clear

(Hear, Hear,) but to remove all further doubts and suspicions, and to contradict my alleged contradiction and vindicate my alleged lapse from rectitude, I shall quote but two famous passages—one from the greatest Conservative statesman, Lord Beaconsfield, who said on a memorable occasion that 'it is one of the happiest characteristics of this glorious country that official utterances are invariably regarded as unanswerable,' and another from a hitherto unprinted play of one of the lesser known Elizabethan dramatists, one Mr. William Shakespeare, who put into the mouth of one of his characters—a Conservative statesman—the noble lines :—

> Things are seldom what they seem,
> Skim milk masquerades as cream,
> Highlows pass as patent leathers,
> Jackdaws strut in peacock's feathers.
> (Loud laughter and heavy applause.)

True, Dr. Sapru has succeeded in convincing many in India, and some even in Britain, that the Hoarian explanations come to naught when closely analysed. In substance, says the Indian leader :—

> Gild the farthing, if you will,
> Yet it is farthing still.

But Sir Sam professes to have acted in accordance with the dictates of his conscience and is prepared to chance the consequences—all the more so as many times many of those, who have withheld their co-operation from him, have assured him (in confidence, of course) that the method now devised by him of superseding the Round Table Conference is an ideal one for advancing Indian reforms. Hence Sir Sam's attitude of studied defiance :—

> But if I carried out this glorious scheme,
> At my exalted name, Posterity
> Would bow in gratitude. The scheme is rash
> And well may fail, but ours are not the hearts that quail
> The hands that shrink, the cheeks that pale
> In times of emergency.

To Dr. Sapru's repeated remonstrances (challenging the correctness of Sir Sam's view) conveyed in some such lines as :—

> Now is not this ridiculous?
> And is not this preposterous ?
> A thorough-paced absurdity,
> Explain it, if you can,

the reply vouchsafed to the enquiring Round Tabler by Sir Sam is as follows:—"Take care, when I am thwarted, I am very terrible, for I must have my mighty must and my inevitable shall ; besides,

> I am not fond of uttering platitudes
> In stained-glass attitudes."

And so like a wounded snake this dreary Sam-Sapru controversy is dragging its slow length along, looked at from different angles of vision by the various parties concerned ; by the Congress party evidently as under :—

> There's fish in the sea, no doubt of it
> As good as ever came out of it,
> And some day we shall get our share,
> So we don't care, so we don't care.

As between the nationalist Round Tablers and Sir Sam, the controversy is more or less on the following lines :—

Sir Tej :—"Stop, Sir Sam. I think I see where we are getting confused. When you said "orphan," did you mean a person who has lost his parents, or did you mean 'frequently'.

Sir Sam :—I beg pardon, Sir Tej, I see what you mean—frequently.

Sir Tej :—Ah, you said " often " frequently.

Sir Sam :--No, only once.

Sir Tej :—Exactly. You said "often" frequently, only once.

Well, we should wait for Sir Sam's next speech for explaining which it was he really meant—' orphan ' or 'often.' That he will ultimately succeed in doing so :

> Of that there is no manner of doubt,
> No probable, possible shadow of doubt,
> No possible doubt whatever.

VI.

Sir Sam Hoare has the deepest commisseration of the Muslim Round Tablers, now that he has disclosed that he has come to know that "many prominent Indians regard" him "as a particularly re-actionary and Conservative Secretary of State, unsympathetic towards all their aspirations and hostile to all their programme." Dear, dear, dear! who perpetrated this gross calumny? Surely, not Dr. Shafaat Ahmad Khan? Well, never mind, who has done it. But the allegation is, of course, a gross libel on our good, noble and virtuous Secretary of State. He has emphatically given it the lie (in prose,) and sent me a statement (in verse) for being given the widest publicity in this country. Though a particularly haughty and exclusive person of pre-Adamite ancestral descent, he is neverthless highly talented, remarkably clever, immensely intelligent, intensely studious, excruciatingly witty, unusually accomplished, and exceptionally virtuous. In the interest, therefore, of maintaining happy and amicable relations between Britain and India, he has favoured me with the text of the poem printed below. I have no doubt the reader will appreciate the underlying spirit and the underground sense of it—quite apart from its transcendental philosophy, though (I fear) that unhumourous critic like Dr. Sapru will, in his present state of feelings towards Sir Sam, call it "stuff and transcendental nonsense". I have no doubt, however, that Sir Sam's poem will survive Sir Tej Bahadur's attack; well, here it goes :—

> If you give me your attention, I will tell you what I am :
>
> I'm a genuine philanthropist—all other kinds are sham.
>
> Each little fault of temper and each social defect
>
> In my erring fellow-creatures, I endeavour to correct.
>
> To all their little weaknesses I open people's eyes ;
>
> And little plans to snub the self-sufficient I devise ;
>
> I love my fellow-creatures—I do all the good I can—

Yet every Indian says I'm such a disagreeable man !
And I can't think why !
To compliments inflated I've a withering reply ;
And vanity I always do my best to mortify ;
A charitable action I can skilfully dissect ;
And interested motives I'm delighted to detect ;
I know everybody's income and what everybody earns ;
And I carefully compare it with the income-tax returns;
To benefit Indian humanity, however much I plan,
Yet every Indian says I'm such a disagreeable man !
And I can't think why !
I'm sure I'm no ascetic ; I'm as pleasant as can be;
You'll always find me ready with a crushing repartee,
I've an irritating chuckle, I've a celebrated sneer,
I've an entertaining snigger, I've a fascinating leer.
To everybody's prejudice I know a thing or two ;
I can tell a woman's age in half a minute—and I do.
But although I try to make myself as pleasant as I can,
Yet every Indian says I am a disagreeable man !
And I can't think why !

There, there, there. What a splendid poem that, likely to be much more inspiring to the politically-minded Indian than Mrs. Leo-Hunter's famous "Ode to the Expiring Frog", which touched so tender a chord in dear Mr. Samuel Pickwick's heart! May I venture in all humility to ask Dr. Sapru to leave now poor Sir Samuel Hoare alone? Poor man, he has had more than he bargained for at the hands of those whom he trusted and still trusts, but who distrust him now, for no fault of his. Incidentally I may also point the moral that had Dr. Sapru studied (like me) the works of wit and humour—instead of merely legal tomes and the codeless myriads of precedents—he would have been able to smash up better Sir Sam Hoare, as I may claim to have done.

III

BIHAR AND ORISSA TENNIS CHAMPIONSHIP FINALS.*

YOUR EXCELLENCY, LADIES AND GENTLEMEN,

I have been told that it is customary, on an occasion like this, for the President of the Club to make an inaugural speech. I would have gladly complied with this practice but for the difficulty I am experiencing in trying to speak on the subject of a tennis tournament. This is a theme to which I have never been called upon to address myself so far. I have frequently addressed the Hon'ble the Chief Justice, and his learned colleagues, on subjects like rioting, robbery, cheating and even sedition (laughter), but never have I had to speak till this moment on singles, doubles, winners, runners and other matters connected with tennis. I have tried to coach myself recently both in tennis phraseology, also in "love" which plays so prominent a part in the play (loud laughter), and the various aspects of the game. But I fear I have learnt very little, either with profit to myself or advantage to anyone. Up till now my mind remains obfuscated as to the difference between ladies' singles and a single lady (loud laughter) and similarly between men's doubles and double men. The one reminds one of single blessedness, and the other of double dealing (loud laughter). I felt therefore that if I tried to speak at length, I would get into a muddle or, to use the language of tennis, into mixed doubles, just as some people, for want of knowledge, indulge in mixed metaphors (loud laughter.) I shall, therefore, be mercifully brief.

In requesting Lady Stephenson now to give away the prizes to the successful competitors, I may make a

---

**Speech made by Mr. S. Sinha, the President of the new Patna Club, on February 12, 1930, in requesting Lady Stephenson to give away the prizes.*

few general observations. In the first place I desire to accord to your Excellency and to Lady Stephenson our cordial welcome, and to convey to both of you our sense of gratification on your presence amongst us this afternoon (applause). Last year—if I may be permitted to make a personal complaint—your Excellency managed effectively to give us the slip (laughter) and although I ransacked the official gazette to find out your whereabouts, I could not (in spite of all the efforts I made) obtain any such clue as I desired. We, therefore, installed in the presidential chair the Hon'ble the Chief Justice who most willingly discharged the duties that devolved upon him. But we are delighted that on the present occasion, it has been possible for both of you to attend this annual function of the New Patna Club, to which we naturally attach great importance, as it has justly come to be regarded as the chief social gathering of the season in the capital of the province. Quite apart from that, I have always been of opinion that in view of the critical times we are passing through in this country, the more all the classes of His Majesty's subjects meet together on a common platform, the better it would be in the interest of this great country, and to my mind, Sir, nothing is likely to offer a better platform for this purpose than competition on the field of tennis (Loud Applause). Now your Excellency will excuse my impertinence, if taking advantage of the present occasion, I give you a notice. Perhaps you are aware that since last I had the honour of meeting you, I have had the unique privilege conferred on me—for the first time in my life—of having been elected a member of the Legislative Council from a rural constituency, in my native district, which, however, I have not yet visited (Loud Laughter). In my capacity I propose to move a resolution—which I trust your Excellency's Government will accept—that in future years the Governor of the province should feel bound to attend and preside over these annual functions at the New Patna Club, and that its non-acceptance will entail upon the Government all the pressure which the elected representatives of the people can bring to bear upon

the administration by way of the reduction of the budget demands. (Laughter and applause.)

With this clear indication of my position, I shall now pass on to some other matters of general interest to those assembled here to-day. Last year our tournament was affiliated to the All-India Lawn Tennis Association, but it is only this year that our Provincial Council has been placed on a proper basis. Some days back at a meeting of the All-India Council, held at Allahabad, several important questions relating to tennis were discussed and settled, and one of these was that Invitation Tournaments be held for selecting Davies Cup players. So in this and in many other matters our Provincial Council will have to play a very important part hereafter, and I feel sure that that body—under the presidentship of so energetic a personality as the Chief Justice—will see to it that the interests of our province, in tennis, are duly represented and safeguarded—if necessary by means of securing for us separate electorates, which is at present regarded by some classes as the greatest contrivance conducive to public good, and the one panacea for all the evils Indian humanity is suffering from (loud laughter). Last week we sent two of our representatives to play in the inter-provincial tournament at Allahabad. They were (I am told) quite as successful as the Germans were during the last world-war (Laughter).

Judged by any reasonable standard, it may safely be asserted that our tournament has been highly successful and, indeed, very interesting, as will appear from the list of the entries made. Let me tell you frankly that I have read out this list as supplied to me by our very energetic Secretary, who has assured me that he thoroughly understands the great difference between ladies' singles and single ladies, as also between ladies' doubles and double ladies (loud laughter). For my part, though my tenure of office as the President of the Club will soon be coming to an end, I continue to be quite as ignorant of these things, as I said I was before. But I must now add, in fairness to myself, that as the result of my studies and research, during my term of office, I have been able to obtain a distant

glimpse of what may be called "love" on the tennis court (loud laughter). Most of you have watched with thrill the games so well played, which has afforded great pleasure to the sightseers. A notable feature of this year's play has been the prominent part taken by our students. But in these days of the rush and bustle of the women's movement, I must not speak of men alone, and I must add that a number of charming, young ladies, have contributed materially to the success of the tournament With these observations, it is now my great privilege to request Lady Stephenson to give away the prizes to the successful competitors (loud applause).

IV

NEW PATNA CLUB ANNUAL BANQUET.*

Your Excellency,—For the third time in succession it is my privilege, as the President of this Club, to accord to your Excellency a cordial welcome as the Patron of the New Patna Club. If, during my tenure of office, I have been able to do nothing more than to induce your Excellency to encourage us by attending our annual banquets, I shall be making over charge of my office satisfied that I have done good work in the interests of this Club, and in the larger interests of the province itself, by enabling the various sections of His Majesty's subjects, in the capital of this province, to meet together on terms of friendliness and absolute social freedom and equality. Although under our rules the heads of the administration of this province are Patrons of the New Patna Club, it was reserved for your Excellency to make a departure, and to set a good example by coming here, year after year, to meet us on the occasion of our annual banquet. If I may venture to say one word in criticism of the attitude of the past Patrons of this Club, it was (in the picturesque and expressive, but rather "biologically unscientific" language used by an Indian newspaper of Calcutta with reference to the Governor of Bengal) "step-motherly" (laughter). I hope the good example set by your Excellency will be followed by your successors, and that it will be the privilege of the President of this Club, in future, as it has been mine these last three years, to welcome once a year the Governor of the Province at our annual banquet. (Hear, hear.) In reminding you, therefore, Gentlemen, of Sir Hugh Stephenson's connection with this Club, I do not use the language of convention, because His Excellency is

---

Speech delivered by Mr. S. Sinha at the New Patna Club Annual Banquet on Saturday, February 2, 1931.

the first executive head of Bihar and Orissa, who has taken a keen and sympathetic interest in the affairs of this institution. (Hear, hear.) His predecessors—if I may speak of them without disrespect—were all, so far as this Club is concerned, but paper transactions. (laughter.) His Excellency is to leave us for a period of four months to administer the affairs of the neighbouring province of Bengal. Well, so many rulers of Bengal were, in the olden days, ex-officio, so to say, rulers of Bihar and Orissa, that no sensible Bengalee will grudge us the satisfaction of having now given Bengal her first, though, I hope, not her last ruler, from our province. We shall gladly welcome back here his Excellency when his short term in Bengal is over (applause).

A KING AND HIS PRIME MINISTER.

And now I should say a few words about the affairs of this club, and I do so in deference to the wishes of my young friend, the secretary of the club, than whom no one has ever tried more strenuously to hustle the East (laughter). My relations with him are those that obtained between a king and his prime minister, in one of the Gilbert and Sullivan operas—I forget which—where the latter was so powerful that he used to make the king write leading articles, in the royal journal, against the king himself (loud laughter). Well, I represent that king, and he the prime minister, in the economy of this club (renewed laughter). Two years back he offered to get me elected the president of this club on two conditions—first, that I should let him do as he liked, and secondly, that I should personally do the catering at our annual banquets (hearty laughter). In a moment of weakness I yielded, with the result that I am now standing before you nominally as the *chef* and caterer rolled into one (hilarious laughter). Well, I hope you have found the food served to-night satisfactory, and not quite insipid for want of sufficient salt (laughter). You are aware that salt is yet expensive in this country, because of the uprighteous impost levied upon it by a despotic government. It may be hoped, however, that salt will be appreciably cheaper by this time next year, when most of us are expected

to have taken to manufacturing it, and I venture to predict that the dinner that my successor may be able to serve you then, will not be tasteless for want of sufficient salt (loud laughter). In the circumstances, and in view, also, of the principal object of this club, which is to bring together on a common social platform the Indian and the British subjects of the King-Emperor, I would venture to make a personal appeal to the latter to join this club, in larger numbers, for I feel it should interest them, in particular, as we offer here at fairly cheap rates the amenities accruing from a harmonious blending of the virtues of the East with the vices of the West (loud laughter and applause).

ABSOLUTE SOCIAL EQUALITY.

Speaking seriously, I cannot think of a better means of bringing about concord and harmony, between the British and the Indians in this country, than by contributing to the success of the ideals which the New Patna Club, and other similar institutions, stand for (hear, hear). The only three places where these two communities generally come together in this country, are the courts, the legislatures, and the clubs of the type I am pleading for. Now of the atmosphere in our courts, I have no desire to say anything, which might hurt the feelings of either our popular Chief Justice, or his learned colleagues, (laughter) beyond this that where one sits a few feet higher, dressed in little brief authority, than the vast bulk of those who appear before him to make their ' submissions ', there cannot be obviously that free interchange of ideas which can only come about where the parties meet on a footing of absolutely levelling equality (hear, hear). Nor do I think —if I may say so in the presence of the Government leader in the Legislative Council—is the atmosphere that generally prevails in our legislatures exactly conducive to a free interchange of ideas, for there the officials, as a rule, read out set speeches, prepared without knowing what their critic is going to say, and they deliver them—for want of adaptibility to their work—exactly as they wrote them out, and wholly irrespective of what has been said by the non-official representatives. (loud laughter, and cries of ' hear,

hear'). In the circumstances, the Council Chamber also cannot offer that wholesome and healthy social atmosphere which we all desire. And so we have to turn to institutions like the New Patna Club, which is the one great social centre in the metropolis of Bihar and Orissa—great alike in its ideals and scope for social work—which offers to all of us irrespective of race or nationality, equal opportunities for a free interchange of ideas, and the enjoyment of social amenities (hear, hear, and applause).

PROGRESS OF THE CLUB.

For this reason, your Excellency will be pleased to hear that during the year, now coming to a close, the Club has made fairly good progress in the various spheres of its activities. Our membership has increased appreciably, showing that in spite of the storm and stress that we are passing through, there is in Patna a fairly large number of men, both Indian and British, who believe in keeping up friendly social relations through the medium of this Club. Your Excellency will, no doubt, be glad to learn that the number of our members stands at the highest figure it has ever done since the foundation of this Club, and that in other directions also there has been fairly notable progress. For one thing, our energetic secretary has made a healthy departure by introducing weekly social gatherings at which many members meet together on an evening, listen to Indian music, accompanied by weak tea, and to indulge also in the feast of reason and the flow of soul (hear, hear). But as your Excellency is aware, the one thing in which this Club may be said to have specialised is the game of tennis. At the beginning of the cold weather, we had the privilege of welcoming here the first British tennis team that came out to India, and it is to us a matter of gratification that they opened their tennis campaign on our own tennis courts. Your Excellency was pleased to unfurl on that occasion the flag of the International Tennis Club, and the Indian tour of the British team, which thus began under such happy auspices, had been quite a notable one. I was pleased to see in the statement of the President of the British team (which he made

to the newspapers before leaving Bombay for Euorpe) a flattering reference to the opening of their tour at Patna, and particularly a compliment to our tennis courts, which he had declared were superb. (Hear, hear and applause).

Another matter to which I may refer is that of our young friend Mr. Ram Jagmohan—the Cambridge Blue —having won for three successive years the tennis singles championship. Thus this young Punjabi marauder (laughter) has this year carried away the Sir Henry Wheeler Cup and—worse than that—has misappropriated it to his personal use (renewed laughter). Fortunately for us a good and true friend of this Club has presented us with a new and handsome cup, associated with your Excellency's name, to replace the one borne away by Mr. Jagmohan. I notice that Mr. Jagmohan is casting on the new cup, placed on the table, a longing lingering look (laughter). But I hope it will fall to the lot of some other young player, next year. (Hear, hear.)

Although I have held the presidentship of the Club for a longer period than any other member of the Club, I am keenly sensitive of how little I have been able to do and how much more remains to be done. For one thing, we have failed in our efforts so far to put up a ladies' annexe, about which I made an appeal to your Excellency last year, and in which matter I have received from you great encouragement. I hope it will fall to the lot of my successor to supply this great deficiency of our Club—namely a ladies' annexe, the want of which is particularly felt by our youthful members, who would like to enjoy the amenities of the club, in the company of their wives (laughter)—if not in that other men's wives (boisterous laughter). We look up to your Excellency to assist us in this matter, but if we find you are remiss in your duty, we shall in that case appeal against your conduct to Lady Stephenson (loud laughter and applause), and I feel sure we shall then succeed in our efforts (hear, hear).

TENURE OF OFFICE.

And now a word about myself. It was a favourite saying of a distinguished Governor's that the period

of five years, fixed by convention for the tenure of office of the Viceroys, Governors and Executive Councillors, was based on a very sound basis, inasmuch as their work is so terribly exacting that at the end of five years a man holding any of these offices may well be taken to have been played out (Hear, hear). But if your Excellency will only believe me, I may say that I have found my three years' tenure of the office of the President of this Club far more exacting than even my more than five years' term of office as an Executive Councillor (loud laughter). The reason for this is not far to seek ; exacting as the work of an administrator under the Crown may be, the work associated with the presidentship of this Club is by no means less strenuous,—but is rather more so—if only the President applies himself to his task in right earnest, as I may claim to have done. (Hear, hear). But your Excellency will be pleased to remember that when I talk of exacting work, either as an administrator under the Crown or as the President of this Club, I naturally differentiate between that class of work, which requires knowledge, experience and skill, from the work of a certain other class of administrators known as Ministers. (Loud laughter.) Their case, obviously, both in this and in some other provinces, stands on a wholly different footing. Their work being by no means exacting, these gentlemen are evidently in a position to go on in that capacity for much longer periods, and answer the description of the famous brook given by Tennyson : "Men may come and men may go, but we go on for ever." (Loud laughter.) Similarly, though Governors and Executive Councillors may come and go, our Ministers remain for ever ! If your Excellency thinks that it is good for the province that this should be so, and that their tenure of office should be converted into a kind of permanent settlement, like that of Bengal and Bihar, I, for my part, have no quarrel with your Excellency in this respect. (Hear, hear.) For the rest, I deem it a great privilege to be able to accord to your Excellency, once again, a cordial welcome to-night, before laying down the reins of my office as the President of the New Patna Club. (Loud and prolonged applause.) I now

call upon you, gentlemen, to charge your glasses to the brim, and to drink to the health and prosperity of His Excellency Sir Hugh Stephenson, the Patron of the New Patna Club. (The toast was drunk with musical honours.)

V

THANKING THE CONGRESS PRESIDENT.*

Brother-Delegates,— I now rise to perform on your behalf and on behalf of Bihar and Orissa a most agreeable and pleasant task, which is to convey on your behalf our gratitude and sense of deep thankfulness to the President for the work he has done in connection with the Congress (*hear, hear and cheers*).

Sir, it is customary on an occasion like this to pass a vote of thanks to the chair; but I am sure those who realise the difficulties of the task entrusted to the President of the National Congress, due to various causes, due to the rise of a spirit of larger assertion of the delegates to take their proper place in the work of the Congress, due also to the combination of various circumstances in view of the pressing problems facing us,—those who realise these difficulties will see that it is nothing but the barest truth when we say that the Hon'ble Mr. Mudholkar has discharged his duties in a spirit and in a way which has been admired by all of us here and has rendered his task not only very difficult but also at the same time a pleasing one to himself and to all of us. If I may say, Sir, without impertinence, I desire to say on behalf of the province of Behar that as my friend the Hon'ble Mr. Haque said, we have all felt honoured by the presence of a veteran leader like yourself, whose vast and varied services in the cause of national progress and in the cause of the amelioration of our country, were set forth very properly on the day of your election. I need not

---

**Speech made by Mr. S. Sinha (as Secretary of the 27th Sessions of the Indian National Congress held at Patna, in December, 1912, in proposing a vote of thanks to the President of the year, Rao Bahadur R. N. Mudholkar, C. I. E.*

go over the same ground; but I shall content myself by saying that the speech you delivered from this Congress pandal, and which I dare say all have read by this time, I think, is a speech of a masterly character. It may not be right for a junior like myself to speak in terms which savour of impertinence of Rao Bahadur's performance; but I may say leaving the criticism of carping critics, we are agreed that the speech will form one which will convey for a long time to come useful information to all who seek information about Indian problems at the present day (*cheers*). I believe I am right in saying that no pressing problem of the day has been left untouched in the speech. No one will rise from a perusal of the speech but with his sympathy with Indian aspirations widened and with a better appreciation of the difficulties that face us at the present day. I desire to say also one word, Sir, about your conduct in the chair. I have said the task of the President is a very difficult one. We have had some instances to-day in the Congress of the difficulties facing the President, in the way of reconciling the jarring conflicting elements of public opinion from various quarters. Whatever may be the differences of opinion, whatever the grievances of the particular section of the delegates may be in regard to a particular resolution that they might like to press before the Congress, I think that we all appreciate that Mr. Mudholkar has gone about his business in the right spirit of geniality, urbanity and courtesy which has charmed us all. I do not think, gentlemen, I shall be justified in inflicting upon you any speech at the late hour. I desire to say that we in Bihar and Orissa feel honoured by his presence here and that if the Congress has been a success—it is not for me to say to what extent—it is due entirely to your conduct in the chair. With these words, gentlemen, I beg to move this resolution, and as the President cannot put this resolution to the vote I hope you will carry it with acclamation.

VI

THE HON. MR. WHITTY.*

Gentlemen, in the absence of Raja Prithi Chand Lall, the president of our party, I have been commissioned by our vice-president, Rai Bahadur Lachhmi Prasad Sinha, to propose the toasts of our three honoured guests. Before I do so, I would like to disabuse their fear, if I may, that in trying to say a few words in regard to each of them separately (and not collectively), my object is to lay a trap for any one of them to reveal any Government secrets. In fact, I am not going to make a political speech at all. This is purely a social function, and we are not going to indulge in political orations of which we had enough and to spare lately in the Council. The hon. Mr. Whitty, an over-cautious Englishman, or rather over-cautious even for an Englishman, seems a bit nervous as to what I am going to say. He thinks perhaps that I am trying to worm out the secrets connected with the White Paper, or the doings of the Joint Parliamentary Committee, or things of that kind. Let me assure him that I have no such intention. I myself appeared as a witness before the Joint Parliamentary Committee last summer, at their special invitation, and I know a good deal myself, much more perhaps than what Mr. Whitty could tell us. I now propose the toast of the hon. Mr. Whitty who is at present the vice-president of the Governor's Executive Council, and as such holds the most exalted official position in this province next to that of the Governor. I do so as a very old admirer of his. Some of you will be surprised to learn that I, of all persons, should be an

---

**Speech made by Mr. Sinha at a social function held on 24th March 1934 when the Constitutional Nationalist Party of the Bihar Legislative Council entertained the Hon. Mr. Whitty, the Hon. Babu Nirsu Narain Sinha and the Hon. Mr. Abdul Aziz.*

admirer of a pronouncedly die-hard like Mr. Whitty. Well, I shall explain how it is. I have known Mr. Whitty now for more than 35 years in different capacities and in different spheres of life. I first met him when he was in camp as a sub-divisional officer in the early years of this century. I went to conduct a case before him and I was very pleased with his decision, indeed. For although in my opinion my client deserved to be convicted, Mr. Whitty acquitted him. (Laughter.) I felt satisfied that a magistrate, and a member of the Indian Civil Service to boot, who could do that, howsoever poor his knowledge of the law might be, possessed a really good heart. (Hear, hear.)

Some years later I met Mr. Whitty in a wholly different sphere. I was a candidate for election to the Council and he was a voter. Now not only did he not vote for me, but told me straight off that he would not vote for me. But why did I admire him? Because I prefer a straightforward voter who tells me that he would not vote for me. Then I wanted to know the reason why he would not vote for me. He said, 'You want such a monstrous and heinous thing as the separation of the judicial from the executive functions. I shall never vote for the man who wants that.' (Loud laughter.) I do not know if Mr. Whitty still adheres to that view —we have traversed a great deal since—but I suppose he, like the honest man that he is, does not object to Dominion Status for India, but does object even now to the separation of judicial from the executive functions. That is my second reason for admiring him. (Renewed laughter.)

Thirdly, the reason why I admire him is this: That although he and I both are die-hards (each in a different sense), we get on very well in the Council. I have never had any difficulty with him. He is the pink of politeness, a gentleman to his finger tips and represents to me the ideal English gentleman. (Loud applause.) Although we differ from him in politics, we all admire him as the leader of the House without any elected following behind him—his followers being mainly the Governor's nominees. I am, on the contrary, the leader of the Opposition in our mock parliament.

(Laughter.) When in 1890, as a lad of 17, I reached London—it was just a few months after the visit of Shah Nasiruddin of Persia—I heard a very interesting story about the leader of the Opposition, which will delight Mr. Fawcus, as he is the chief official whip of our mock parliament. The Shah was taken to the House of Commons and the House of Lords and he made many enquiries through the medium of an interpreter. In the House of Lords he asked who the old bearded man was sitting so prominently, and was informed that it was the Prime Minister, Lord Salisbury. He said that he was a man much too old for that office, and should be chucked out! He then came to the House of Commons and he made similar enquiries there. Then he enquired, "Who is that man opposite to the King's Minister?' The interpreter said that he was the leader of the Opposition. 'Leader of the Opposition? What does that mean?' he asked. The interpreter found it rather difficult to explain in Persian what the leader of of the Opposition was: he said, 'this gentleman criticises the ministers, and points out their mistakes and the defects in the Government measures.' 'Do they allow a man to do all that in your Government? I understand now,' said he 'why your Government is so hopelessly weak. (Laughter.) In Persia a man who aspired to be in the position of the leader of the Opposition, would be shot down straightway.' (Loud laughter.) That is my position in the Council, but Mr. Whitty has not yet directed that I should be shot down. And so I call upon you, gentlemen, to charge your glasses and drink to Mr. Whitty's long life, happiness, prosperity and continued useful activities. We are all the more glad to have him with us, because he lately came by a terrible accident, and we are gratified that Providence has restored him to health and renewed activity. With these words, I call upon you all to drink to the health of the hon. Mr. Whitty. (Loud applause.)

VII

THE SEDITIOUS MEETINGS BILL, 1910.*

My Lord,—On 1st November, 1907—when the Seditious Meetings Act was under the consideration of this Council—the Hon'ble Sir Harvey Adamson, speaking with the authority of a Home Member, propounded a curious theory in regard to the presence of non-official members of this Council at Simla on the occasions of debates on contentious measures like the one under discussion to-day. He said: "If Indian members considered the matter to be of vital importance, they would, no doubt, have undertaken the journey which would have deposited them at the doors of the Council Chamber. Their absence proves that either they approve of the Bill or at least do not so strongly disapprove of it as to consider their presence necessary." I do not know, my Lord, if Sir Harvey's views are shared, to any extent, by the Hon'ble Mr. Jenkins, but lest my absence should give rise to any such unwarranted presumptions as those formulated by the late Home Member, I have deemed it my duty to come up here to-day, to be able to place before the Council the views of that important section of the people of the Lower Provinces whom I have the honour to represent in this Council.

My Lord, there can be no two opinions that the measure under consideration is one of an exceptional character, and I submit that an extraordinary law, meant for special exigencies, should not be allowed to remain on the Statute-book when the circumstances that justified it no longer demand it. It cannot be doubted that the Seditious Meetings Act—the operation of which

**Speech made by Mr. S. Sinha in opposing the motion for the introduction in the Imperial Legislative Council the Bill for the continuance of the Prevention of Seditious Meetings Act of 1907, introduced by the Hon. Mr. Jenkins, Home Member, on the 6th August, 1910.*

we are asked to renew to-day for a period of five months, after its becoming inoperative by efflux of time—is a measure of exceptional and extraordinary character, as it seriously curtails the liberty of public discussion and vests, in the hands of our police, powers of interference with the public, which, even when exercised with greatest tact, are bound to produce irritation, annoyance and inconvenience. Under the Act as it stands, power is given to the police to interfere with all kinds of gatherings of twenty or more persons, whether they be in a public place or a private house. Religious and social gatherings are not excepted so far as the powers of the police are concerned. It is obvious that such extensive, discretionary powers vested in a body of men like our police of whom even the most charitably disposed persons cannot draw a flattering picture—can only result in constant conflicts between them and large and important sections of the people. And for one seditious meeting that the police may be able to suppress, acting under the powers conferred upon them by this Act, there are sure to be several instances when, owing to misdirected zeal on their part for ferretting out sedition, respectable and law-abiding subjects of His Majesty, the King-Emperor, are likely to be subjected to unnecessary and unjustifiable annoyances, in their efforts to carry on perfectly peaceful and legitimate, constitutional agitation for political reform and which we claim as one of the indefeasible and most cherished rights of all British subjects. Such, my Lord, has actually been the case in East Bengal, where conferences, as to the peaceful and constitutional character of which guarantees had been given by the organizers to the District Officers, were not allowed to be held.

The Seditious Meetings Act was passed to put down—to quote the words of Sir Harvey Adamson—the "acute disorder that prevailed in the Punjab and in Eastern Bengal", and it was admitted by the Government that it was "a repressive measure of considerable potency". The question, to my mind, is that, even assuming that such a measure was necessary at the time it was enacted, in the interests of law and order, whether the present situation is not so improved as no longer to require the continuance of the Act, which is a

serious menace to the exercise on the part of the people of one of their most valued rights as British subjects, namely, the right of public association for purposes of free and open discussion of public questions on constitutional lines. Now, unless, my Lord, I have misappreciated the significance of the assurances given by your Lordship on the occasion of inaugurating the last session in Calcutta of this Council, as also the statements made recently by the Under-Secretary of State for India in the House of Commons, it is clear that the situation in the country has materially improved of late, and if things are allowed to proceed as they are, without the application of fresh irritants in the shape of such legislation as the one before us to-day, the chances are that matters will take an even yet more favourable turn and the apprehension of any widespread or serious trouble, as the result of allowing liberty of public discussion, does not seem to me to be well-founded. The Punjab—one of the two unfortunate provinces the state of affairs in which was made to justify this exceptional enactment at the time—has been, so far as I can see, quite tranquil, and the better mind of East Bengal, on the occasions of the conferences which were unfortunately suppressed, gave evidence of a sincere desire to co-operate with the public authorities. As for the other provinces—they have all been peaceful and quiet all these years, and even when this Act was passed no reference was made to their condition as justifying any such extraordinary legislation, in derogation of popular rights. I submit, therefore, my Lord, that the very special circumstances which might have justified so stringent and drastic a measure having fortunately very largely disappeared, there is no justification now, for the Executive to ask the assistance of this Council to sanction the continuance of this "repressive measure of considerable potency". As a matter of fact, there is ample provision made in the Code of Criminal Procedure, in Section 144 for the suppression of mischievous or seditious public meetings, and it was while purporting to act under the terms of this section that the authorities at Barisal dispersed the session of, in my opinion, an innocent gathering, *viz.*, the Bengal Provincial Conference, in March, 1907,

months before the present Act was passed. I venture to say, therefore, that in Section 144 of the Criminal Procedure Code, the executive authorities have vested in them ample powers for meeting all cases where public assemblies are likely to resort to mischievous or inflammatory propaganda.

It is alleged in the Statement of Objects and Reasons of the present Bill that the Act "where put into actual operation has been effective in stopping several meetings which, it was feared, if held, would have given rise to disturbances; and even where it has not been enforced its moral effect as a preventive measure has been invaluable". Now, as to the first part of the allegation, I confess it is a mystery to me as to how it could have been known that meetings, which never were allowed to be held, could have resulted in disturbances. Possibly the alleged fact was ascertained through some occult process, unknown to the non-official members and familiar only to our omniscient official colleagues. But in regard to the second part of the allegation, namely, that the Act, even where it has not been enforced, has had "invaluable moral effect" as a preventive measure, I think it is my duty to inform the Council that in the provinces of Bihar and Agra and Oudh—with which I may claim to be in intimate touch—the only effect of the Act has been that of demoralising public life and practically paralysing all healthy and legitimate public activities. Its existence on the Statute-book and its subsequent extension in January last to all the provinces which were till then exempt from its operation, has materially and seriously affected constitutional public work needing joint effort and co-operation, and, as such, it has been fruitful in engendering in the public mind a feeling of deep dissatisfaction amongst those who, during the recent period of storm and stress, tension and excitement, have been unswerving friends of law and order. That after the sincerely loyal support we have given to the Government in Bihar and the United Provinces, and thus strengthened their hands in combating undesirable and unhealthy unrest in some other parts of the country, we should find ourselves so distrusted as to be placed under the veritable Sword

of Damocles, in the shape of this frankly repressive legislation, has caused us, I beg to assure your Lordship, the deepest humiliation as casting an umerited stigma on our loyalty and on our unswerving adherence to peaceful, constitutional public work. What I have said above of the character of public work in Bihar and the United Provinces will, I have no doubt, be endorsed by the Hon'ble Mr. Earle—who was our Commissioner at Patna till recently—and by the Hon'ble Mr. Meston, who, though he left the United Provinces of Agra and Oudh some years back, is nevertheless in close touch with the affairs of his old province. If it be said, however, that it is impossible to make exceptions in a measure meant to affect the whole country, I submit that in matters of such legislation as the one before us to-day, it seems to me a wrong principle to proceed on the lines we are asked to do. It was pointed out by that great and distinguished jurist, Sir Henry Maine, that the true principle of Indian legislation should be to enact measures for particular tracts and provinces and then to extend their operation to other parts of the country, in the light of the experience gained of their actual working in the smaller area. Whether this principle be feasible or not in other departments of legislation, I venture to say that it is a most desirable course to follow in the matter of enacting repressive measures. Almost all our provinces are now supplied with the requisite machinery for legislation, in the shape of Provincial Councils, and I confess I cannot understand why it should not have been left open to the Provincial Governments to enact in their Councils such measures of exceptional legislation as may be required by the special exigencies and requirements of their territorial jurisdiction, in place of having an all-Indian measure like the one before us, which in its broad sweep grinds all, the guilty few and the innocent many.

In conclusion, my Lord, I desire to express my view that in coming before the Legislature for assistance in enacting this measure, it was not right, it seems to

me, for the Executive to rely only "on the unanimous advice of Local Governments". Far be it from me to say one word in derogation of the value or importance of the opinions of our Local Governments, but nevertheless the fact remains that to accept the views of the Local Governments only and to act upon them is to proceed upon purely *ex parte* lines. Surely, my Lord, there are other people to be considered, other interests to be taken into account—the interests, views and opinions of the great educated Indian community—great not necessarily in numbers but in their influence and importance—whose healthy public activities are seriously menaced and jeopardised by this measure. I fear I cannot honestly say that the Government have considered the question, as they should have done, from *our* standpoint, the standpoint of the people. If they had done so, I am sure they would not have felt so "convinced," as they are alleged to be in the Statement of Objects and Reasons, as to the continuance of the Act. That the Local Governments should have recommended the continuance of a measure which offers them the shortest cut to the accomplishment of what they desire is what we can all understand, but that the Government of India should have failed to weigh the *pros* and *cons* of the question, from the popular standpoint, is something which I cannot but sincerely regret. I fear that the continuance of this Act will act as an irritant instead of an emollient, and that it is likely to engender discontent where it does not at present exist, and I cannot, therefore, see my way to give my support to the proposal before the Council.

VIII

THE SEDITIOUS MEETINGS BILL, 1911.*

My Lord,—On the day that the Hon'ble the Home Member introduced this Bill, Your Excellency was pleased to observe that it would be open to members of this Council to discuss to-day the principles underlying the Bill, as well as its details. Availing myself of that arrangement I desire to say, in the first place, a few words on the principle of the Bill. Now, it is not open to question that the measure under consideration is a curtailment of and a limitation on—be it in ever so mild a form—liberty of speech and of public association, which both are the indefeasible rights of all British subjects. This is so obvious that even an Anglo-Indian paper—a stout champion of the Bill—is obliged to admit that "doubtless a sacrifice of a theoretical liberty of speech is involved in the acceptance of the new Act." Even assuming, for the sake of argument, that the sacrifice involved is only of "a theoretical liberty of speech," the question, to my mind, is whether it was at all necessary for the Government to have come forward to press for such legislation, and that too of a permanent character, such as is contemplated by the Bill. It may be that temporary restraints on the rights of public speaking and association may be deemed necessary under exceptional political conditions of a country; but I take it to be a settled principle of legislation, in all countries with pretentions to a civilized system of administration, that no repressive measure, to provide against special political exigencies, should be allowed to remain on the Statute-book when the circumstances that might have justified it have passed away.

**Speech made by Mr. S. Sinha in opposing the motion made by the Hon. Mr. Jenkins, Home Member, at the Imperial Legislative Council held at Calcutta on March 20, 1911 that the Report of the Select Committee on the Bill to amend the Prevention of Seditious Meetings Act, be taken into consideration.*

If that principle be correct, as I respectfully submit it is, then the only question is whether the present condition of India render any such legislation, as a permanent part of the Statute-book, necessary or desirable. Now, what is the present condition of the country compared to what it was in 1907, when the Seditious Meetings Bill was enacted? On this point the testimony of all competent and qualified observers is at one, that there has been a remarkable improvement in the general situation. Mr. Montagu, speaking last year, bore witness to that fact. Lord Minto, speaking some months later at the United Service Club at Simla, was equally emphatic in his declaration on this point. More recently—speaking in London—he has declared in no uncertain voice that "political quiet now reigns throughout India." His Honour Sir Edward Baker, speaking the other day at Motihari in Behar, is reported to have said that he honestly believed that an improvement had taken place in the general situation. And to go no further, even the Hon'ble the Home Member made an admission to the same effect in the course of his speech introducing the present Bill. It is thus clear on the highest official testimony that the India of 1911 is in this respect a different India from that of 1907. That being so, I confess I fail to see the expediency or the desirability of placing permanently on the Statute-book a measure like that under discussion.

The Hon'ble the Home Member in justifying the introduction of the present Bill dwelt at some length on the deeds of the revolutionary party in India and abroad, and he clearly suggested that the measure before the Council was one that would go—at least to some extent—to prevent the mischievous effects of their propaganda. My Lord, if I felt half as sure of it as evidently does the Hon'ble the Home Member, I would have given my whole-hearted support to the Bill. But after a careful consideration of the measure I have arrived at the conclusion that the Bill, if enacted, would in no way touch revolutionary propaganda. The Hon'ble Mr. Jenkins gave us a fairly exhaustive catalogue of the methods of the revolutionary party. These are, in his own words, the introduction into and publication in India of large quantities of seditious literature, the

writing of threatening letters, the posting of seditious placards in public, and the planning to import arms into this country. Now, I would very much like to know which of these activities it is contemplated to combat by the Bill before us. It would be insulting the intelligence of this Council to labour the point that there are no provisions in this Bill to check any of these tactics of the revolutionary party. As remarked by a leading Anglo-Indian daily of this city—the *Indian Daily News*—in regard to "its utility to capture the anarchists, it will prove about as useful as a torpedo boat to catch eels." That being so, the only suggested justification for the present measure seems to me to be untenable. And while on the subject of the revolutionary party I would like to invite the attention of this Council to the remarks of the Government of the Lower Provinces in their Annual Administration Report for the year 1909-10. It is stated that "there are already good grounds for believing that...the anarchist movement has been paralysed, at any rate for the present." This is with reference to the condition as it existed one year back. Since then there has been one murder and one attempt at it, which are regarded as the outcome of the anarchist propaganda; but we would do well to remember in this connection the wise and weighty words of Lord Minto in the course of his speech recently delivered in London. He said :—

> Anarchical crimes in India, I am afraid, we are always exposed to. We all know that other countries are not free from them. The bomb has unfortunately been introduced into India; it has to a certain extent gained a footing. Anarchical plots require the most careful watching. They are very much of the same nature as crimes committed in European countries; and there is no greater mistake than to believe that, if an outrage occurs, it is due to general sedition or to general disloyalty on the part of the people of India.

That is just the point, that, by reason of an isolated anarchical outrage, the vast bulk of the people of all classes and creeds, who are loyal to the British Crown, should not be made to suffer by curtailments of rights which they have come to cherish as indefeasible concomitants of British citizenship and the possession and enjoyment of which have intensified in them that spirit of loyalty to their sovereign which is in-

grained in the Indian mind. It is because it seems to me that the Bill, if enacted, will in no way affect the revolutionary party, but that it will entail a great hardship on the bulk of the people by curtailing liberty of speech, that I deeply deplore the action of the Government in coming before the Legislature for the enactment of this Bill. The Seditious Meetings Act of 1907 has already largely demoralized public life in this country, and the effect of the present enactment will be to deepen that depression and demoralization.

Coming to the details of the Bill, I must acknowledge the many improvements made in it on the legislation embodied in the Seditious Meetings Act, and I beg to tender to Your Excellency's Government my grateful acknowlegdments for the changes introduced. Some of these changes are certainly important and are calculated to render the working and the operation of the Act less liable to abuse. "The Act of 1907"—I am quoting an Anglo-Indian paper—"might, in the hands of an arbitrary local government, have been employed in such a way as to molest private gatherings or to interfere with legitimate public meetings" As a matter of fact, that Act has been on many occasions so utilized. In this respect the present Bill is certainly an improvement, with the result that it is less likely to be oppressive in its operation. And to this extent the country is deeply beholden to Your Excellency's Government for meeting with popular wishes. I confess I have read with some surprise in the editorial observations of the *Englishman* that "on the whole, the concessions that have been made are not very important." On the contrary, I am persuaded that if a measure like the one embodied in this Bill has unfortunately got to be placed on the Statute-book to arm the executive with such powers as they deem necessary to possess to cope with what they evidently regard as an exceptional situation, the Bill in its present form, while no doubt still capable of improvement, is about as little stringent and oppressive as it could be, under the circumstances. I trust that the Hon'ble the Home Member will be satisfied with the acknowledgment of my humble appreciation of the endeavours made by him to meet with popular wishes,

though I wholly differ from him in regard to the principle of the Bill and the expediency or desirability of any such legislation in the present improved condition of the country.

My Lord, I believe that the powers that the executive may require to cope with the state of affairs at present are adequately available to them in the Indian Penal Code and the Criminal Procedure Code, and it was under Section 144 of the latter Code that the authorities at Barisal prohibited the session of, in my opinion, an innocuous meeting, namely, the Bengal Provincial Conference in March, 1907, anterior to the enactment of the Seditious Meetings Act. I feel sure that in Section 144 of the Criminal Proceedure Code the executive authorities are in possession of ample powers for proscribing all meetings likely to indulge in mischievous or inflammatory propaganda. The new Bill is, therefore, open to the charge of its being a replication of powers already vested in the executive, with this difference, that whereas the act of the officer under the Codes is a judicial proceeding, which might be challenged, that under the present Bill is made purely executive and absolutely final ; and to this extent, therefore, the provisions of the measure under discussion, where they differ from the existing law in the Penal and Proceedure Codes, differ for the worse.

My Lord, it is to me a matter of genuine regret that in the very first session of the Council over which Your Excellency has presided the legislature should be called upon to enact a measure of this character, and that in a year which is sure to be rendered memorable by the presence amongst us of their Most Gracious Majesties the King-Emperor and the Queen-Empress. At a time like this, the Government should not have placed before this Council, and invoked its assistance in passing, a measure that will act as an irritant, in place of an emollient, to the feelings of a large section of His Majesty's subjects. I trust that in spite of the Hon'ble Mr. Jenkins' prophecy that he hoped that this Bill was now before the Council for the third and last time, it would come up once again, before long, with the objects of being repealed. When that day

comes, it will be good for the Government and the people alike. My Lord, it would be a mistake to suppose that any non-official member of this Council would be so short-sighted as not to realize the advantage of co-operating with the Government by giving to it all the support he can, consistently with his regard for the interests of the community he represents. I think some of us might have supported the Bill in its present form as a temporary measure, not because we are convinced of its necessity, but to satisfy the Government of our sincere desire to strengthen the hands of the executive in dealing with what is still regarded, though I fear wrongly, as an abnormal situation. But with the sincerest desire to meet the Government even more than half-way, we cannot shut our eyes to the danger of such legislation being made a permanent part of our Statute-book.

IX

COMMISSION TO INQUIRE INTO PUNJAB DISTURBANCES.*

My Lord,—I desire to assure Your Excellency that I have risen to speak on this Resolution with a sense of very great responsibility. I have had the privilege of addressing Viceroys in this Council on many previous occasions, but never have I addressed the Council on an occasion like this. I realise that feelings have been naturally roused on both sides, which have to some extent found expression in the Council. Far be it from me to say one word that would add to the tension of these feelings on either side, but I hope the few temperate observations I propose to make may be of some use in persuading Your Lordship's Government to accept the very reasonable proposal that we have made jointly before the Council. Much has been said by the previous speakers to represent the Indian point of view in regard to the situation in the Punjab, and the Hon'ble Mr. Crum has represented to Your Lordship the view which our European fellow-subjects have taken in this matter. I would like to give the Hon'ble the Home Member and the Hon'ble Mr. Crum the assurance that I am not one of those who either minimise the gravity of the situation in the Punjab, or say a few words of sympathy by way of a prelude to making further demands. On the contrary, I frankly confess that I am ashamed of the doings of such of my countrymen in the Punjab as had any hand in killing Europeans, or in injuring them or destroying their property, for they had not only harmed Europeans, but injured us also in the matter of our demands for the rights and privileges that we legitimately claim as

**Speech made by Mr. S. Sinha at the Imperial Legislative Council held at Simla on September 12, 1919, supporting the resolution moved by Pandit Madan Mohan Malaviya for the appointment of a Commission to enquire into the Punjab disturbances.*

British subjects in this country. We are all against mob rule. I, therefore, claim that I am not at all minimising the gravity of the situation. In fact, I go further. I heard with surprise the Hon'ble Mr. Crum say that because a few Europeans had suffered or lost their lives, therefore he felt that he and the Europeans were the aggrieved party.

I venture to say that it seems to me to be putting the case at rather a low level. Whether the people who lost their lives, through the action of the mob, be Europeans or Indians, so long as they are our fellow-subjects, of whatever nationality, all British subjects are the aggrieved party. I claim that I feel it as much as the Hon'ble Mr. Crum that my European fellow-subjects should have lost their lives through the action of the mob. At the same time, while candidly admitting that, I would like to lay before your Lordship the Indian point of view. To put it in a short sentence the Indian point of view is this ; that although the Government were fully justified in resorting to all effective measures for the purpose of re-establishing law and order, their action went far beyond the requirements of the case. In fact, in the name of law and order things were perpetrated which cannot be justified in the light of that high standard of British justice with which we have been long associated in this country. That, in short, is our point of view. If your Lordship will permit me, I will read out a sentence from a well-known Anglo-Indian paper, the *Madras Mail*. Coming from an adversary its admission is very valuable. It says in its leading article in a recent issue :—

" We are quite convinced that Indian sentiment has been genuinely and deeply stirred by the events in the Punjab, and that, however much capital may be made out of that affair by factious individuals ever on the look-out to vilify the British Raj. there is a substantial body of loyal and moderate opinion which has been shocked by what it regards as an outrage upon Indian fellow-countrymen".

My Lord, I submit that in this one short sentence the leading Anglo-Indian paper of Madras summarises and sums up correctly the Indian point of view. My

Lord, it is very desirable, therefore, that the Committee which has been constituted should be one which will be able to inspire confidence in the public mind. I do not wish to take up the time of the Council in discussing whether it would have been of greater advantage if this Committee had been a Royal Commission, reporting to His Majesty's Government through the Secretary of State, but I desire to say that in asking for the Royal Commission, there is no such feeling as the Hon'ble the Home Member spoke of, namely, that we desire to place the Government of India on their trial. The Hon'ble the Home Member shakes his hand to imply that he refuses to accept my statement. I assure him............

The Hon'ble Sir William Vincent :—" That was not intended".

I can assure him, speaking with the full weight of responsibility, that it is far from our desire to place the Government of India on their trial. I remember my late lamented leader, Mr. Gokhale, declare on a memorable occasion in this Council that he could not defeat the Government if he would and that he would not defeat the Government if he could, as the prestige of the Government of India was such a valuable asset to our progress. For similar reasons we do not desire to place the Government of India on their trial. But the real point is this. The Government of India are believed to have been associated too closely with the policy pursued in the Punjab by Sir Michael O'Dwyer. I hope I shall quote your Lordship correctly and shall not make the mistake as the Hon'ble Mr. K. V. Rangasawmy Iyengar did. Your Excellency said in your opening address on the third of this month :—"I promised support to the head of each Local Government for such measures as he thought it might be necessary to take, and that support was given unwaveringly throughout". Now, I am far from suggesting that your Lordship was not justified in taking the line of action you did. I am fully aware of the fact your Lordship appreciates and realises your responsibilities in this grave matter. I merely submit that the people naturally believe that when that was the view of the Government of India, and they took such action as they did in pursuance of it, the people are not wrong in assuming that the Government of India were too closely

associated and identified with the policy pursued in the Punjab. And the reason why we press for a Royal Commission is, that we believe that all human beings, howsoever exalted their position, are liable to be influenced in their action and judgment by an inherent unconscious bias. When the Government of India have admittedly made themselves responsible for the policy of the Punjab Government, we believe that your Lordship's Government will not be in so good a position, for appreciating the evidence and of passing judgment in the matter as another independent body would be. However, the Hon'ble the Home Member says that it is too late now to bring up the proposal and it could only be done in the House of Commons. I do not think I personally can bring it up in the House of Commons, and there is not time enough for us to get it done as the Committee will be coming out soon. That is why we are concentrating our efforts and pressing for an additional Indian member on the Committee. In spite of what the Hon'ble the Home Member said, it is a fact that the Committee, as at present constituted, does not find favour with the bulk of the people. I am sorry to say............

The Hon'ble Sir William Vincent:—"The Hon'ble Member is wrong".

I can assure your Lordship that so far as the Indian public opinion has found expression in the press, the constitution of the Committee has been found to be wholly unsatisfactory, and I find that the *Times of India* which says that the constitution of the Committee should satisfy all reasonable persons, goes on in the next breath to say that it would like one more member on it. That is a sample of the reasonableness of persons who say in one breath that they accept the constitution of the Committee and in the next that they would like to have one member more. That shows that all parties in this country are more or less dissatisfied with the constitution of the Committee. Now I am not going to make any personal observations about the personnel of the Committee, but I would point out that out of the six members of the Committee no less, than five my Lord, are officials, Indian or European, and I believe that there is only one non-official, Sir Chimanlal Setalvad. It is

not a matter of race or nationality, but I maintain that when there are no less than five officials and but one non-official on the Committee, it is bound to find very little favour with the public. I, therefore, submit that on this particular matter, the members of the Council who have spoken so far,—the Hon'ble Sir Dinshaw Wacha, the Hon'ble Raja Saheb of Kanika, the Hon'ble Sardar Sundar Singh Majithia and others,—all agree that your Lordship should move in the matter and give us at least one more non-official Indian member to satisfy the public demand. Speaking for myself, if your Lordship's Government thinks that there should be added to the Committee a non-official European member also as the Hon'ble Mr. Crum suggested, I have no objection to it. I venture to hope, my Lord, that in the few observations I have made, I have said nothing to rouse feelings on either side, and that they will, therefore, carry weight with your Lordship's Government. I hope that they will be pleased to consider sympathetically the proposal in regard, at any rate, to adding one more non-official Indian member to this Committee. If that is done, I think the Committee's Report may satisfy the public in a larger measure and carry more weight than it otherwise would.

X

THE INDEMNITY BILL.*

(A)

My Lord, in the course of the last few days I find I have been called upon to address the Council for the second time upon the Punjab affairs. On the first occasion it was due to the Resolution of my friend, the Hon'ble Pandit Malaviya, that I had to address this Council ; now it is in connection with a Government Bill that I find I have again got to express my opinion. The Hon'ble the Home Member in introducing the Bill yesterday and asking for leave of this Council made a speech, which if I may so without impertinence, was free from any trace of bitterness or acerbity. If anything, it was a little unnecessarily forceful, due perhaps to his emotional Celtic temperament, but otherwise I have no grievance against it. And I may say in justice to him that, in introducing the Bill, his opening words were solicitous of the co-operation of non-official members of this Council, and he begged of us not to import into our speeches any needless acrimony or bitterness. I may venture to say, my Lord, that the Indian members who have so far spoken have, on the whole, adhered to the suggestion thrown out in such a friendly way by the Hon'ble the Home Member. But I wish I could say that the suggestion had been as well received and acted up to, in the spirit in which it was sought to be pressed, by the European members in this Council. I am sure I am voicing the unanimous opinion of almost all the Indian non-official members of your Lordship's Council when I say that the friendly admonition of the Hon'ble the Home Member was completely lost upon the Hon'ble Mr. Thompson, about which it will be necessary for me

---

**Speech made by Mr. S Sinha, in protesting against the motion made by Hon. Sir William Vincent, in introducing a Bill in the Imperial Legislative Council held at Simla on September 18, 1919, to indemnify officers of Government and other persons in respect of certain acts done under martial Law in the Punjab.*

to say a few words here. But before I do so, I desire to express, if I may be allowed, my whole-hearted appreciation of the spirit underlying the Hon'ble Mr. Hailey's speech. Mr. Hailey has presented, it seems to me, the case for the Government in a spirit of such remarkable fairness and with such skilful advocacy as to carry conviction to a certain extent even to the minds of his opponents, and this is the highest compliment I can pay to him. If all speeches, my Lord, on the Government side were as fair and as skilful, I am sure the non-official members of this Council could be easily persuaded, even on most contentious matters, to see, at least partially, eye to eye with the Government. But before I make my submissions to your Lordship in regard to the Bill and the reasons why, after most careful consideration, I have not been able to agree with the Hon'ble the Home Member as to the desirability of its introduction at the present moment, I should like to say,—and I am sure some of my European colleagues here, if not all, will agree with me,—that the language which was indulged in this morning by the Hon'ble Mr. Thompson is to be strongly deprecated. Because we non-official members of the Council express opinions which may not suit the views and sentiments of our European colleagues, for them to indulge in the style and language and make personal attacks as did the Hon'ble Mr. Thompson on Mr. Malaviya, I submit, my Lord, with the greatest deference, is highly objectionable. Mr. Malaviya is a gentleman who is quite capable of defending himself, he will survive Mr. Thompson's attack, as he has done others in this Council and outside. He is a gentleman held in high esteem throughout the length and breadth of India for his devotion to the country, and, however much you may differ from his views or his manner of presenting his case, there can be no justification for anybody to have made a personal attack on him as Mr. Thompson did this morning...............

The Hon'ble Mr. J. P. Thompson :—" My Lord, may I rise to a personal explanation ? I did not attack the Hon'ble Pandit for his opinions, but for his statement of fact."

The Hon'ble Mr. Thompson told us—I quote his words—that he was a great admirer of Sir Michael

O'Dwyer. Those who listened to his speech this morning hardly needed that assurance, for those who remember the famous speech of Sir Michael O'Dwyer in this Council must have felt satisfied that the Hon'ble Mr. Thompson's way of handling facts is reminiscent of the methods of the late Lieutenant-Governor of the Punjab. When I find the Hon'ble Mr. Thompson charging the Hon'ble Pandit Madan Mohan Malaviya with distortion, exaggeration and misunderstanding, when I find him, again, charging Pandit Malaviya with credulity, gullibility, a lack of the sense of proportion and the power of closing his eyes to the political situation, and when I find him subsequently winding up his peroration by saying that in intelligence and mentality he was correlated with the lower orders, I bespeak to these the attention of the Council and venture to ask whether it is a fair presentment of the case or one that can be justified.

Now, my Lord, I shall pass on to other matters. The Hon'ble the Home Member was pleased to commend to the attention of this Council, and, I think, he particularly looked hard at me when he did so, as if he tried to stare me out of countenance,--certain articles which had appeared in the *Civil and Military Gazette* of Lahore on this question by an anonymous scribe who signs himself as " An Indian Student of Constitutional Theory and Practice "—a rather long and pompous designation under which he takes shelter. The Hon'ble the Home Member asked us particularly to read these articles which, he said, put before us the whole case in defence of the Bill which we are now discussing. The Hon'ble the Home Member did not at the same time ask us to read a reply to those articles which appeared in the *Tribune* of Lahore. Perhaps he had not seen it himself. Now, this writer, my Lord, who has taken refuge in anonymity, says some very interesting things in his articles which have a bearing upon the point we are discussing now. I believe the Home Member asked us to read the articles for the reason that the writer says :—

" Indian publicists and Indian Editors (I am afraid I come under both these categories) should have, therefore, no sort of quarrel or dispute with the

coming Indemnity Bill. Any unreasoned or obstinate opposition will show how ill-equipped and ignorant of the very A. B. C. of the constitution are our leaders in the Legislative Council and the writers in the Press."

I fear it was for this particular reason that the Hon'ble the Home Member commended the articles to our special attention. Further on, I find that this anonymous writer who comes to teach us the elementary principles of Constitutional Law concludes by saying :—

" I also hope that the Indian members of the Imperial Legislative Council, and particularly the Hon'ble Mr. Malaviya, on whom the mantle of the irreconcilable oppositionist seems by an irony of circumstances to have descended, will not fritter away their energy and their time in an unreasoned, purposeless and infructuous opposition to a constitutional practice that stands hallowed by the observance of centuries in democratic England itself ".

Personally, my Lord, I shall be sorry, indeed, to waste a minute of my time in any unreasoned, purposeless or infructuous opposition to a Government measure It has been my effort all my life to offer reasoned criticism and not to lead a purposeless, infructuous opposition. The writer seems to forget that, whatever weight of reason there may be on our side, any opposition here to a Government measure is bound to be, so far as we are concerned, infructuous, because, when the Government bring in a measure, there are behind the Front Government Benches the serried ranks and solid phalanx of our official friends, 35 strong, who sit here for the purpose of supporting the Government in any measure the latter like to bring in, whether it affects the European non-officials or the Indian.

Theirs not the reason why,
Theirs not to make reply,
Theirs but to vote and die.

What is the good in a Council like this for any one of us to try and persuade the Government ? Once they have made up their minds that a measure has to be got through this Council, the old shibboleth of the responsi-

bility for maintaining law and order being on the Government is trotted out and there are those 35 valiant soldiers to vote down any opposition that we may have to offer. Therefore, it is not with the purpose of carrying on any infructuous opposition that I have to place before your Lordship a few observations. The reason for this is this. Your Lordship's Government, as the Executive, have done certain things, have taken a certain line of action. Your Lordship's Government now come before this Council to ask the moral assent of the non-official members to the view taken by the Executive. If I am not asked for any moral assent, if the Government simply ignore me, I shall make no grievance of that. I shall not take up in that case a minute's time of this Council. But when the Hon'ble the Home Member gets up and puts forward reasons and arguments before me and asks me to give my moral assent then I am bound to examine his arguments and make my submissions as I conceive them to be.

Coming, therefore, to the question of moral assent, my first submission is that in the preamble of this Act I find it stated :—

"Whereas owing to the recent disturbances in certain districts in the Punjab and in other parts of India, it has been necessary for the purpose of restoring order to resort to martial law", and so on, and so forth.

Now supposing the preamble had been worded like this :—"Whereas owing to the recent disturbances in certain districts in the Punjab and in other parts of India, the Governor-General-in-Council had deemed it right and proper to establish martial law therein". I would have had nothing to say against it. But when your Lordship's Government ask my assent to the declaration that it was necessary to proclaim martial law, I am entitled to say that, quite apart from whatever views I may hold, it will be prejudicing the work of the Committee Your Lordship's Government have been pleased to constitute, if I were to give my assent now to this preamble as it stands. Therefore, quite apart from the facts as to what transpired in the Punjab,—I have heard different versions of them ;

one was given by the Hon'ble Pandit Madan Mohan Malaviya who put forward the cases of those persons, subjects of His Majesty the King-Emperor, who are said to have grievances in the matter, while contrary versions have been given by Messrs. Thompson and Hailey who say that the facts are not exactly as the Hon'ble Pandit Madan Mohan Malaviya put before the Council,—what I say is this. You have constituted a Committee to go into this matter, to analyse and sift the evidence and to come to certain conclusions. What will be the value of those conclusions if we now assent to this preamble that it was necessary for the Government to declare martial law ? Therefore, my submission is, that by assenting now to this preamble the non-official members of this Council, whether Europeans or Indians, will be making the work of the Committee infructuous, and here I may be permitted to refer to one or two observations which were made......

The Hon'ble Sir William Vincent :—" May I inquire, my Lord, with a view to shorten the debate, if the Hon'ble Member's objection to the Bill is confined to this statement in the preamble ? Because, I may say now, my Lord, that Government are quite prepared to reconsider the question of this preamble ".

That, my Lord, is but one of my objections. That is No. 1. But certainly if the Government will meet us half-way, it will be of great importance. I hope the Hon'ble Member will agree to that alteration. Now, my Lord, when the Hon'ble the Home Member put that question, I was going to deal with one or two observations of my friend, the Hon'ble Mr. Crum. Without the least desire to cast any aspersion of even the mildest character on my esteemed friend, I do say that I can quite understand his difficulties in not being able to appreciate the points—the legal points—involved in this Bill. To him the matter of fact is that Government have done certain things ; they gave certain promises to their officers, and why should not those promises be carried out by the Government ? That is the way it strikes him and he, therefore, characterised the attitude of those who oppose this Bill at the present stage as dishonest, ridiculous and piteous,—rather unnecessarily strong words those, for which

there is no justification. He also said that it seemed to him that the only object of those persons who are offering opposition to this Bill is to persuade the public outside this Council that the Government have done something wrong. Well, I desire to assure him that, far from that being the object of those of us whose misfortune it is to differ from the view of the Hon'ble the Home Member, we are trying to persuade the Government to do what we conceive to be right. That is my answer to the Hon'ble Mr. Crum. I think that in saying what he did he did a great injustice to us, who come here at the sacrifice of time, money and energy from different places in British India to serve our country to the best of our lights.

Now, my Lord, this Bill deals, leaving the preamble alone, with martial law and indemnity, and to be able, therefore, to appreciate the points involved we must have a clear notion of what these two are. I am aware that I am addressing the official benches and also the Hon'ble the Law Member, who is a great authority on the subject. But I make these submissions for his attention also. Now, what is martial law? Martial law is defined, my Lord, in various standard works of legal literature; but I have no desire whatever to quote them. I shall only invite your Lordship's attention to what I find Lord Morley in his memorable *Recollections* wrote to Lord Minto, when there was some talk of martial law being established a few years back. He said: " martial law is only a fine name for the suspension of all law." And again: "If you declare martial law in India, it will be a gigantic advertisement of national failure." Well, it is not for me to say whether the declaration of martial law in the Punjab this year was or was not a gigantic advertisement of national failure on the part of British statesmanship; but we must remember that when we talk of martial law in the Punjab, it means that for the time being there was no law at all, that the whole legal machinery was suspended, and that, as a matter of fact, things were done which would never have been done otherwise than under the cloak of martial law. I shall now, with your Lordship's leave, read out a short passage from a judgment of Lord Chief Justice Cockburn in the well-

known case of Phillips v. Eyre (4 Q. B. D. p. 225), to show what an act of indemnity really amounts to. He said: "There can be no doubt that every so-called Indemnity Act involves a manifest violation of justice inasmuch as it deprives those who have suffered wrongs of their vested right to the redress which the law would otherwise afford them, and gives immunity to those who have inflicted those wrongs not at the expense of the community for whose alleged advantage the wrongful acts were done, but at the expense of individuals who, innocent possibly of all offences, have been subjected to injury and outrage, often of the most aggravated character. It is equally true, as was forcibly urged on us, that such legislation may be used to cover acts of the most tyrannical, arbitrary and merciless character, acts not capable of being justified or palliated even by the plea of necessity, but prompted by local passions, prejudices or fears, acts not done with the temper and judgment which those in authority are bound to bring to the exercise of so fearful a power, but characterized by reckless indifference to human suffering and utter disregard of the dictates of common humanity. On the other hand, however, it must not be forgotten that against any abuse of local legislative authority in such a case protection is provided by the necessity of the assent of the Sovereign acting under the advice of Ministers, themselves responsible to Parliament." Now, I can quite understand an Act of Indemnity not working unnecessary hardship on the subject population, when the measure is assented to by the Sovereign on the advice of his Ministers and with the assent of Parliament. But, here, my Lord, where the Government of India, the executive of the King-Emperor in this country, do certain things and then come and ask for the assent of this Council, with a standing official majority at their back, surely that cannot possibly convince the people that the action of the Government was right; and that the Government in asking this Council to pass this will not be asking assent to a measure which might be of the most tyrannical and arbitrary character. This is the whole difficulty which we have to face in regard to this Bill; and that is

why we have to be so very careful. Now, my Lord, Apart from that, we find that in this Bill there are provisions of a very serious character, and it is, therefore, difficult for us to assent to the policy of this Bill. Take, my Lord, for instance apart from the preamble, the provision in clause 2, which fixes the period of immunity from "on or after the 30th of March, 1919" and brings it down to the time when martial law had been completely withdrawn. In other words, by making this provision your Excellency's Government are asking our assent to give the operation of martial law retrospective effect. Now, this question was raised in the House of Commons in 1906 by Mr. Ramsay Macdonald who, your Lordship may remember, was appointed a member of the Royal Commission on Public Services in India by His Majesty's Government. I mention this fact so that it may not be said by the Hon'ble the Home Member in referring to Mr. Ramsay Macdonald: "Oh, he is a crank," and all that sort of thing. Well, he raised the question, as to whether it was desirable to give retrospective effect in legislation of this kind to the administration of martial law. This is what he said: "The second point was that this incident, the murder of two policemen, took place on the 8th February, and martial law was proclaimed on February, the 9th; that the incident took place at a time when the civil law was still in operation; yet the natives accused of the murder of the policemen were tried by martial law. Was martial law to be made retrospective in the future? Bad as martial law undoubtedly was and unjustified as those were, as he thought, who declared it, ten thousand times more unjustifiable was it, that this negation of all law should be made retros' pective and to cover acts committed previously to its being proclaimed." The Right Hon'ble Mr. Winston Churchill who was called upon to defend that measure giving retrospective effect to it said this in reply; "Martial law is no law at all. Martial law is brute force. The only restriction on martial law is, that no more force is used than necessary, and where more force is used than necessary, persons may afterwards be called to account unless covered by an Act of Indemnity. The Hon'ble Member for Leicester suggested that it was

illogical to try these men by martial law for an offence committed before martial law was proclaimed. Of course, all martial law is illogical, and an attempt to introduce illegalities into martial law is like attempting to add salt water to sea." Now, under clause 2 it is proposed to give retrospective effect. The Hon'ble the Home Member advanced no sounder argument than did Mr. Churchill when he talked of adding salt water to the sea. Then, we find in clause 3 of the Bill that the ordinary rule of evidence is completely reversed, and we note that the burden of proof is cast on the plaintiff or the prosecutor.................

The Hon'ble Sir George Lowndes: "I think the Hon'ble Member is making a mistake when he says that the burden is thrown on the prosecutor."

The President:—" I think it was a slip of the tongue ".

It is hard for Your Excellency to realise what our difficulties are in speaking a foreign tongue in this Council. We are apt to make mistakes. Then, I find here further in one clause, that there is no limitation as to the places where officers are to be protected. I have no desire to take up any further time of the Council, but my submission is that many cogent reasons have been advanced by us why your Lordship's Government should postpone the consideration of this measure. Firstly, by the words in the preamble we shall be nullifying the effect of the report of the Committee. We shall be calling upon them to assume that it was necessary to declare martial law. Now, Mr. Hailey may be satisfied as to that and Mr. Thompson also, who was Sir Michael O' Dwyer's right hand man. I dare say he is, but we naturally feel a certain amount of diffidence about this point. Secondly, I have shown that the Bill is open to great objection in the matter of giving retrospective effect. Your Lordship's Government are no doubt aware that since it was announced in the *Pioneer* of Allahabad that the Government were going to bring in an Indemnifying Bill, Indian public opinion has been roused. It has been insistent that this Bill should not be proceeded with at the present time. My hon'ble friend, Mr. Malaviya,

referred in some detail this morning to the strong volume of public opinion on this subject. He showed by quotations from a well-known London paper that public opinion, even in London, sees no justification for the Government's action in this matter. In India, I can assure your Lordship, almost every shade of public opinion, the so-called moderate and the so called extremist, is unanimous in asking Government to forbear from pressing this Bill. Not only people of supposed advanced views, but even such a moderate man as Sir Narayan Chandavarkar, an ex-Chief Justice, whom, I believe, the Hon'ble the Home Member appointed last year as one of the advisers of Government......

The Hon'ble Sir William Vincent :—" He was appointed by the Bengal Government ".

Then the Government of Bengal are entitled to praise for their choice in having appointed him as their adviser. I understand from the papers that he even sent to your Lordship a telegram asking your Excellency not to press this Bill at the present time. He has also written a long article in the *Indian Social Reformer* from which the Hon'ble Mr. Malaviya quoted certain passages. Now, my Lord, I do venture as a responsible adviser to your Government to say that it is not right for the Government of India to flout public opinion in this way and say to us : " Oh, we are responsible for maintaining law and order, the responsibility is cast on us by Parliament, and we shall do what we think proper." That, my Lord, is wholly wrong attitude. Public opinion has got to be appreciated ; it has got to be considered and given due weight too? We are apt to believe that public opinion came into existence in this country only with British rule, and that it came here along with certain other western ideas. As a matter of fact, even in the early days people who had not acquired English education knew the value of public opinion. My Hon'ble friend Mr. Shafi will appreciate the well-known lines of the great Hindustani poet, Atash.

Sun to sahi jahan men'hai tera fisana kya
Kahti hai tujhe khalk-khuda ghaebana kya.

which means "do for God's sake listen to what people

are saying about you and pay some respect to it". That shows that public opinion was held in great respect even in earlier days. Therefore, I say, put off the Bill for two or three months. I understand the Committee will soon be out and will submit their report by the end of the year. Is there any advantage in pressing this matter at this stage notwithstanding public opinion to the contrary? I protest, my Lord, against the Government acting in defiance of public opinion; the result of such action in the past has been acerbity and ill-will on the part of His Majesty's Indian subjects. It is not desirable that the Government should repeat that experiment. I feel strongly that that would be a blunder. I do not want an indefinite postponement; if that was meant I should vote against it. I am in favour of a Bill of Indemnity,—the only question is, should it be passed now, before the autumn session is over? I do hope your Lordship will take into your careful consideration the view I have put forward. A large number of Indian members of this Council, including the Hon'ble Maharajah of Kassimbazar and the Hon'ble Rai Sita Nath Ray, take the same view as I do. My Lord, your Government will be in a stronger position by listening to and accepting the suggestion we have jointly made.

(B)*

My Lord,—I hope this unequal struggle between the official and the non-official members of this Council will soon be over; for my part, I find it rather too trying for my nerves. The debate has been going on now for three or four days, and almost everything which could be said for or against the measure has been put forward by the advocates of the respective sides. It seems that at the end of the discussion we are as far off from coming to an agreement as we were when the Bill was introduced.

The motion before the Council now is that the Bill be passed. Under ordinary circumstances I should have held it unjustifiable at this late hour to prolong the agony by making any lengthy observations, but the matter, my Lord, is of such great and grave importance, that I do not think I shall be justified in recording my vote without giving, howsoever briefly, my reasons for the action which I propose to take. When the Bill was introduced and leave was sought for its introduction, some of us felt compelled to oppose that. What has happened since then that the Hon'ble Member should feel justified in asking us to-day to give our assent to the Bill? We tried to improve the Bill to the best of our lights by sending in 38 amendments. Far from feeling grateful to us for trying to improve this Bill, the Hon'ble the Home Member, with that emotional Celtic temperament to which I referred the other day, actually charged us with trying to whittle down the Bill. That, my Lord, was the unkindest cut of all. When we come here to assist him with our experience, with our guidance, these are the thanks which we get in this Council. Now, lest your Lordship and the

Speech made by Mr. S. Sinha, at the Imperial Legislative Council, at Simla, on September 25, 1919, after several amendments were made in regard to the Indemnity Bill introduced by the Hon. Sir William Vincent.

Council may think that in dilating at some length on the difficulties and misfortunes of Indian non-official members of this Council, who have to oppose official views, I am at all exaggerating, I shall, with your Lordship's leave, read out two or three sentences, not from an Indian paper, moderate or extremist, but from a well-known Anglo-Indian paper of Calcutta, called *Looker-On*. This is what the writer in *Looker-On* says of our most piteous condition :—" I am always struck by the pathetic aspect of the incident when an Indian Councillor gets up on his hind legs"— these are his words, not mine,—" and debates a motion eloquently and cheerfully, knowing all the while that the division which he has succeeded in forcing must go against him. It requires a certain amount of assurance, not to say spiritual pluck,"—the words are " spiritual pluck," not "spirituous pluck,"—"to do, as many Indian debaters do, without giving an unedifying exhibition of temper, spleen and despair."

Now, my Lord, under those circumstances, I am particularly grateful, speaking for myself, that of the 38 amendments which were moved by us, the Hon'ble the Home Member was graciously pleased to accept one of mine. Afterwards, he made an observation, however, which deprived his action of its little grace, that he was not sure that he had been wise in accepting my amendment. I ventured to assure him then and there that this was the wisest act he had done, if not in his life, at least in the course of this debate. I am also grateful to him, my Lord, particularly, for accepting my suggestion in my opening speech and amending the words of the preamble by dropping the words " that it was necessary to declare martial law " and putting in the words "where martial law was enforced." My Lord, did he suspect then that the Hon'ble Pandit would take advantage of that to build his argument on that, because he had withdrawn from that position of there being the necessity for martial law being declared, therefore, the whole Bill must fall through ? Well, my Lord, grateful as I am for these two acceptances on his part, I do not think that the rejection of our 37 amendments justifies him in asking me to give my moral assent to the Bill.

My Lord, I shall, with your Lordship's leave, refer to one or two observations which have been made by official members in the course of the discussion. I shall first say a word about the incursion of the Hon'ble Mr. Shafi. I thought he was the Education Member, concerned with the carrying out of educational policy, with certain sanitary matters and possibly also with ecclesiastical affairs, but of this last I am not sure. What he has got to do with the declaration of martial law and an Indemnity Bill, I cannot for the life of me understand. I suppose he was most anxious to support the Government. I believe some of us, when we cross the floor from this side to that, undergo some sudden changes in our views and sentiments, and I dare say that is what made him support the Government. He did so, however, by reading out section 101 of the Evidence Act and sundry old reports of Privy Council cases, and he tried to teach us the A B C of the law of evidence. He said it was surprising that we, lawyers in this Council, did not even know what he called the A B C of that law and he tried to explain it to us as best he could. I was gratified, however, that he did not go on to the D E F and the X Y Z as otherwise, we might have been here all night. He laid down the proposition that what appears in clause 3 of the Indemnity Bill in regard to the rule of evidence and the burden of proof is a most elementary principle to be found in all the laws and the prophets. Now, if that be so, and the Hon'ble Member's argument be sound, what is the good of having that specifically provided for in this Indemnity Bill at all? If that is the Common Law, if that is the Statute Law, if that is the Privy Council ruling, I suppose any court would act up to it without there being a specific provision. As, however, the Hon'ble the Law Member has taken particular care to put in that provision here, I have a suspicion that it is not after all such a small thing, a mere A B C as the Hon'ble Mr. Shafi was anxious to make out.

My Lord, I shall, with your Lordship's leave, refer to one or two observations of the Hon'ble the Law Member. I most gratefully acknowledge that, during the

debates in this Council, he has been exceptionally kind and encouraging to me, and he has never said a word about me of which I need make any grievance. My friend the Hon'ble Pandit Madan Mohan Malaviya thought that I had been rather severely handled by the Hon'ble the Law Member on the last occasion; but in a debate, as in love and war, I think all this is fair, and I make no grievance of that. But he did make one or two observations, not in regard to me personally, but in regard to certain matters, which I think need a reply. May I say that it seemed to me rather an ungracious act on the part of the Hon'ble the Law Member to have made certain adverse comments, in the absence of the Hon'ble Raja Sir Rampal Singh, about his speech, the more so as the Hon'ble Raja Sir Rampal Singh had made that speech not on the motion about the Indemnity Bill, but on a previous occasion in regard to the constitution of the Punjab Inquiry Committee? However, I feel gratified at this reference and the gratification was due to the fact that I did not want that some official member of this Council should protest against speeches supposed to be written by friends, because I have a shrewd suspicion that as often as not the speeches made by some non-official members in the Council supporting the Government are written by friends Therefore, I am gratified to the Hon'ble the Law Member for raising the point; and, in future, when a suspicion crosses his mind that some speech on the Government side by a non-official officer may have been written for him by a "friend", I hope he will not forget to take that fact into consideration in assessing the value of the speech.

Now, my Lord, I was also amused, as one who is a lawyer by profession, to see the lengths to which some of us, even members of your Excellency's Executive Council, are driven in a debate when harnessed from pillar to post, as happened to the Hon'ble the Law Member yesterday. When the Hon'ble Pandit Malaviya quoted once or twice from an Act of St. Vincent, the Hon'ble the Law Member pooh-poohed it, as if to refer to an Act of St. Vincent, was something like *lesse majeste* to Sir William Vincent; but to-day

he himself, in reply to the Hon'ble Pandit, referred to the same Act, which he repudiated yesterday as something insignificant and worthless. That is all, my Lord, which I have to say in regard to the observations of the Hon'ble the Law Member.

I shall say something, my Lord, about the Hon'ble the Home Member's observation. I think it is but fair to say that his speeches in this Council on this rather controversial measure have been, on the whole, very conciliatory, indeed ; and so far as I am personally concerned, I have got no grievance to make against the wording or the spirit of them. But I take exception not to his manner but to his matter. I confess I was very agreeably surprised this morning to hear him quote, of all persons, the great Indian leader, Mr. Gandhi. This was in the same strain in which the Hon'ble the Law Member quoted Mrs. Besant and Mr. Horniman,—I do not know if he quoted Mr. Tilak; perhaps he did not. Well, Mr. Gandhi is certainly a gentleman whose observations are entitled ordinarily to the greatest respect. But the Hon'ble the Home Member tries to make much of Mr. Gandhi's observations as in this particular instance they suit his purpose. It is, I presume, from *Young India* that he quoted this morning. Is he aware that in *Young India* Mr. Gandhi has been writing week in, week out, on the Punjab situation, taking up the case of each particular person convicted, and saying in terms absolutely unequivocal that there has been a great travesty of justice and that all these persons have been put to very great inconvenience and trouble by the arbitrary conduct of the officials ? I only desire to say that I hope that these observations also of Mr. Gandhi will carry equal weight with the Hon'ble the Home Member when he comes to deal with the cases of these persons.

Now, my Lord, there is one thing more I would like to say. In my opening speech on this Bill, I said that the Indian view was that, whereas Government were fully justified in resorting to effective measures for putting down the riot or disturbance or rebellion, call it what you like, the steps taken for that purpose went far beyond the requirements of the

situation, and that in the name of putting down the disturbances and maintaining or restoring order, measures were carried out which were oppressive and tyrannical. This, I said, was the Indian view. I sedulously refused to go, my Lord, into the facts of the case, and I assured you that I kept an open mind on the subject. But I find that my friend, Mr. Malaviya, on the one side, and Mr. Hailey and Mr. Thompson and General Hudson on the other, have put forward in this Council different versions of the facts. I am now in a better position to make up my mind as to the facts, after having heard both sides. I listened very carefully, my Lord, to the statements of fact of these gentlemen, both on the last occasion and to-day; and making every allowance for an inherent, unconscious bias in my own mind as an Indian, I have tried to place myself in a detached position, and I venture to say that leaving aside every statement of the Hon'ble Pandit and accepting as gospel truth the statements made by the official members in the Council,—Mr. Hailey, Mr. Thompson and General Hudson,—there is, to my mind, a clear admission made by these gentlemen that things were done which, to use the mildest language, should not have been done. I shall not say one single word about the observations of Mr. Malaviya. I shall take it that they are incorrect and inaccurate. Let us, however, take the statements made here before your Lordship and this Council by Mr. Hailey, Mr. Thompson and General Hudson as the truth. I shall not traverse the ground in detail; but I shall take one or two instances and the explanations which the official members have offered to this Council. I hope every member of this Council will consider the matter apart from any ideas of race or nationality. Has Mr Thompson's explanation satisfied the Council that the arrest of Mr. Manohar Lal, a Barrister-at-law, late Minto Professor of Economics in Calcutta, a distinguished scholar, a favourite pupil of Professor Marshall of Cambridge, and his detention for, I believe, nearly a month, and then his being discharged without being brought to trial, was a right course to adopt? Mr. Thompson said Mr. Manohar Lal was a trustee of the *Tribune*, and it was supposed that as a resident trustee

56

in Lahore he had taken an active part in inspiring the writings in that paper. Well, now, I will ask, "Is it fair, is it right that because a man happens to be a resident trustee of a newspaper, assuming even that it is seditious, when once the editor has been brought to trial, the editor who alone was responsible before law, the trustee should be arrested and placed in detention for a month and then let go without any case being started against him?" I venture to submit, my Lord, any question of race or nationality apart, that that is not the way of treating a British subject. I am glad that Sir Michael O'Dwyer did not go beyond arresting the resident trustee and did not order the arrest of the readers of the paper as well, because in that case I might have been arrested too as one of them. I am glad that he drew the line at the resident trustee and did not extend his order to the readers of the paper. I say that just to show, my Lord, that the explanation offered by Mr. Thompson does not satisfy us at all and I have given my reason therefor.

I shall now take an instance from the statement of General Hudson. Fortunately in his case I am in a better position, because I find the *Civil and Military Gazette* has published what it calls "the full text" of his speech. From this full text, I shall take up one point, namely, the unfortunate assault on Miss Sherwood and the orders passed in consequence thereof. General Sir Havelock Hudson admitted "the issue by the officer in command at Amritsar of orders that any persons who wished to pass the scene of assault on Miss Sherwood should be made to crawl on their hands and knees", as "something was required to strike the imagination". He continued: "It is easy to criticize the orders issued by the officer in command at Amritsar, but the circumstances were altogether exceptional and the punishment though humilating was not such as to cause danger to life or physical hurt". And he then added: "No compulsion was brought to bear on any individual to submit to the order. The order remained in force for a period of five days. There is good reason for the belief that except for the party of prisoners already mentioned, those who were subject to the order came voluntarily to submit to it for the

sake of notoriety or martyrdom". That is the explanation that the Hon'ble General Hudson gave. The facts are not denied. The Hon'ble Pandit Malaviya, who among his many virtues does not unfortunately possess the saving grace of humour, complained to the Council in tones of bitter anguish that when that was said by General Hudson a titter of laughter went round the Council. I should think that but for the restraining influence exercised by your Lordship's presence the Council would have indulged in a loud guffaw. Who could, my Lord, accept with equanimity the statement that human beings preferred to crawl on their hands and knees to obtain "notoriety or martyrdom?" This was ordered, General Hudson said, to strike the imagination......

The Hon'ble Lieutenant-General Sir Havelock Hudson :—"I think the passage which was referred to as raising a loud guffaw was not that quoted by the Hon'ble Member. It was the one that the men went on their hands and knees that raised the titter".

The Hon'ble Mr. Sachchidananda Sinha :—"There was something about hands and knees".

The Hon'ble Lieutenant-General Sir Havelock Hudson :—"The person went there three times on his hands and knees".

The Hon'ble Mr. Sachchidananda Sinha :—My contention is that if this explanation did not evoke a loud guffaw, it should have done so. Now, my Lord, speaking seriously, I venture to ask the Council whether it is right to defend this action, whether His Majesty's Indian subjects should be made to crawl on their hands and knees because some other persons had been guilty of committing some nefarious deed. I ask whether such a thing should be sanctioned. Whatever the Hon'ble Pandit may have said, General Hudson said that that was done to strike the imagination! I do not know anything about striking the imagination, but what I do know and feel is, that those who were made to crawl on their hands and knees must have left the place with a bitter sense of rancour rankling in their hearts. If General Hudson meant that this may be called

striking the imagination, all I can say is that when he joined the Army the imaginative literature of England lost a great deal.

Thus, there is no doubt, my Lord, that things have been done which should not have been done. My Lord, such being the case and the Government having withdrawn from the preamble the statement as to the necessity of the declaration of martial law, the question is whether the Bill should be passed. Nothing having happened since the introduction of the Bill to induce me to change my mind about it, I believe I am justified in voting against it. Your Lordship will remember that on the last occasion when I ventured to take up the time of the Council, I maintained that public opinion was insistent that the Bill should be either withdrawn or put off for some time. Now when I refer to public opinion, I am afraid of a recurrence of what happened then. The Hon'ble Mr. Macpherson, in the course of his manuscript eloquence, said that I represented only a small section of the Bihar and Orissa public, while he himself represented a large one. But as I explained the other day, when I talked of Indian public opinion I referred to the classes who alone can at present speak out their minds. I shall not, however, refer on this occasion to Indian public opinion; if I did so I could show that Sir Sivasawmi Iyer, who was a Member of the Madras Executive Council, has been publishing articles in various papers strongly opposing the passage of the Bill at the present moment. I shall, with your Lordship's permission, quote some passages from an article in a well-known Anglo-Indian paper, the *Indian Daily News*. The article is from the pen of one who has himself been a high official, and has acted as Standing Counsel to the Government of India. The paper is owned and edited by Mr. Graham, and the article in question shows how this debate has struck the mind of an independent European in this country. This is what he says:—

"The debate now proceeding at Simla is a fair sample of the way India has been governed in the past. The Government adopt an attitude and defend that attitude to the last gasp. They accept nothing, listen

to nothing and decline to budge. They do not listen to Mr. Crum or Mr. Sarma or the 'resuscitated' Pandit. They get the Associated Press to give a full account of Sir William Vincent's 'testy' speech, as *Capital* calls it which is in their opinion so convincing that it has only to be read to be accepted as Gospel. Of course, it is not, for it is merely an angry gabble, but Simla sticks to its opinion and lives on." I omit the concluding words of the sentence for the fear they may be considered unparliamentary. The writer then proceeds as follows: "The main fact that strikes one reading the debate now proceeding about the Indemnity Bill is that the bureaucracy and the Government of India are playing the same old game, namely, absolute inability to yield to suggestion, to accept compromise, and eagerness to play all the trumps, which they have dealt themselves. This is the spirit that invited the Reforms, this imperviousness to reason, this contempt for opposition and this extreme use of every controversial weapon they have helped themselves to in the past. This debate has once more shown the Government of India in its obdurate and obstinate condition and its best form of stolid opposition."

I do not say, my Lord, that I accept every word of it, but it shows how this debate strikes a European critic of the Government, a man who has occupied the high position of Standing Counsel in the Calcutta High Court. Therefore, my Lord, I venture to submit that we are not so unjustified as some of the official members would like to make out in asking your Lordship's Government to postpone this measure for the time being, at any rate till the Punjab Enquiry Committee submits its report. But as your Lordship's Government are unwilling to accede to our request I feel justified in recording my vote against the Hon'ble Home Member's motion that the Bill be passed.

XI

INDENTURED LABOUR FOR NATAL. *

My Lord,—After the very able and exhaustive treatment which the subject-matter of this resolution has received at the hands of the mover, the Hon'ble Mr. Gokhale, I do not think I shall be justified in inflicting on the Council a long speech, and yet the question is one of so vital an importance to the well-being of my country that I would fain say a few words in supporting the proposition. The first important point to note in connection with the subject is the almost absolute unanimity that exists on it, amongst all the sections of our rather heterogeneous population. But whatever our differences on other questions may be, on this one question, that of the status of Indians in the South African colonies and the remedial measure proposed by the Hon'ble Mr. Gokhale, there is, I am glad to say, an absolute agreement amongst thoughtful and educated Indians. This in itself is a great advantage. We know that what often passes for public opinion in this country is as often as not but the opinion of a particular community or of a small section of the people. Fortunately this is not the case in connection with the subject under discussion. Here the representatives of all the Indian communities stand on a common platform and are working shoulder to shoulder to have this great grievance redressed. Nor is the vast bulk of the great Anglo-Indian community unsympathetic in the matter,

---

* *Speech made by Mr. S. Sinha in supporting the resolution moved by the Hon'ble Mr. G. K. Gokhle at the Imperial Legislative Council meeting held at Simla on the 20th February, 1910, recommending "that the Governor-General-in-Council should be empowered to prohibit the recruitment of the indentured labour in British India for the colony of Natal."*

to judge from the writings of many of the leading exponents in the Press, of Anglo-Indian opinion. There might be here and there a dissentient voice, but I believe that the great bulk of His Majesty's European subjects in this country are at one with their Indian fellow-subjects, so far as this question was concerned. Last, but not least, some of the greatest British statesmen,—members of both the great political parties,—have repeatedly expressed their sympathy with the claims of the Indians in South Africa and suggested the adoption by the Government of some such measure as that urged by the Hon'ble Mr. Gokhale. Such unanimous support, official and non-official, British, Anglo-Indian and Indian, ought to materially strengthen the hands of the Government in grappling with the problem in the way suggested by the mover of the resolution.

My Lord, speaking recently at Edinburgh on "The place of India in the Empire" Lord Curzon said that "strong language may well be justified in condemning some of the disabilities to which Indians of education and position have been subjected in the Transvaal and other Colonies". And he himself, speaking in the House of Lords, summarized the Indian grievances in the following terms: Said His Lordship: "The Indian is invited and even encouraged by our Government to emigrate from India. We send him to a colony which he enriches by his labour, and then the society appears to turn round on him, as if he were a pariah dog. He is penalised there, not for his vices but for his virtues. It is because he is sober, industrious, frugal and saving man that he is such a formidable economic danger in the situation. And then the Indian remembers that, at any rate, in a large number of cases he has fought for the British Empire in South Africa and that it was largely owing to his efforts that Natal was saved. Natal would never have been saved in the Boer War but for the contingents that were despatched to the scene of war from India". But though I have one of the highest authorities on Indian questions in justification of the use of strong language in speaking on this subject, I shall nevertheless refrain from doing so, as I believe the case of the Indians in South Africa

is so strong as to render the use of strong language more or less unnecessary and superfluous. The tale of woe narrated by the mover of the resolution should satisfy all reasonable and all open-minded men that the statement of facts contains a most serious indictment that can be brought against any Government with any pretensions to a civilised system of administration. And when we remember that the principal cause of the Boer War was alleged by so responsible a Minister as Lord Lansdowne and other responsible statesmen, to have been the ill-treatment of the Indians in the Transvaal, it is all the more regrettable to learn that though ten years have elapsed since that time, the condition of the Indians in the British colonies in South Africa has far from improving but grown worse. It is worth while quoting the very words of Lord Lansdowne: "Among the many misdeeds of the South African Republic, I do not know that any fills me with more indignation than its treatment of these Indians. And the harm is not confined to sufferers on the spot; for what do you imagine would be the effect produced in India when these poor people return to their country to report to their friends that the Government of the Empress, so mighty and irresistible in India is powerless to secure redress at the hands of a small South African State". I wish those who are opposed to a policy of intervention by the Imperial Government on the ground of the colonies being self-governing States could realise the feelings of the Indian people, seeing that these colonies are now not independent but an integral portion of the great British Empire. But it is beyond a shadow of doubt that the substitution of the British for the Dutch Government has, so far from bringing any relief, but served to make the position of the Indians worse in many respects, and that these ten long years have been one long night of suffering and tribulation to our fellow-countrymen in South Africa.

My Lord, it was expected that matters might take a more favourable turn when the Colonies would be federated into one united commonwealth, but that occasion is also come and gone and we are now even farther than before from the destined goal; for strange

to say, for the first time in the history of legislation of the Imperial Parliament, the racial bar-sinister has been accepted as a principle in the Act of Union. It is an irony of fate that the great British people who have given us Indians the rudiments of self-government should have sanctioned legislation for South Africa, the one effect of which would be the political degradation of the Indians in that country, by refusing men the possibility to-day of enjoying the ordinary rights of men, let alone the rights and privileges which we justly assume and claim to be the birthright of every British subject, in all parts of the Empire. I venture to say that unless the grievances are removed before long, the irritation and soreness in this country will deepen to an extent which no well-wisher of the Government can look forward to with equanimity.

My Lord, the claim of the Indians in South Africa is based upon the noblest traditions associated with the conception of the British Empire. Seventy years ago Lord Palmerston in defending his foreign policy used the memorable words :—" As the Roman in the days of old held himself free from indignity when he could say *civis Romanus sum*, so also a British subject, in whatever land he may be, shall be confident that the watchful eye and the strong arm of England will protect him against injustice and wrong ". This was said with reference to the rights of the British subjects in foreign States and is thus all the more strongly applicable to the case of the British subjects within the dominions of His Majesty the King-Emperor. This doctrine has never been repudiated by any responsible statesman ; on the contrary, it was confirmed only two years back by Lord Curzon who, in the course of the debate on the South African question in the House of Lords, said that the Indian " claims the full rights of citizenship of the British Empire ". " I do not think," continued his Lordship, " it is for us to blame him for that, as we have taught it to him and inspired him with those ideas ", and he significantly added that it is " the only basis upon which you will expect the loyalty of an Asiatic population to an alien rule to be permanently developed or maintained." If I may say so

without impertinence, these are wise words and lay down the only sound and healthy ideal of citizenship on which the great British Empire can exist as a real political unit. Set aside this ideal and the Empire will be reduced to a mere agglomeration of States and the nominal allegiance to the Crown will not be sufficient to stop its disintegration. I am aware that, of late, attempts have been made to whittle away the accepted view of British citizenship by some Ministers not sufficiently strong to put pressure on the colonies, and a leading Anglo-Indian journal,—fortunately the only one,—has tried more than once recently to furnish us with what it calls "a re-statement of what citizenship of the Empire imports and what it does not import". It has told us that "Imperial citizenship confers no right to wander and settle throughout the Empire", and it has not been afraid to say that "the conception of citizenship and what it connotes in the British Empire must be retaught to Indians". My Lord, I think I can safely say on behalf of my educated countrymen that we refuse to be taught anew the conception of British citizenship and that we are not prepared to accept any such new ideas as would make us but the footstool of the Empire. But apart from that I may be permitted to say that it seems to me a tactless thing to ask educated Indians to unlearn the lessons that have been taught for over a century and which have been instrumental in securing their willing allegiance to the Crown and to learn a fresh lesson of doubtful wisdom the one effect of which would be to make them lose their self-respect. Besides, once the process of unlearning begins, one does not know where it may end and what difficulties it may not land us in. I, therefore, feel bound to repudiate this new conception of British citizenship and urge the claim of my countrymen to justice and fair-play in all the British colonies on the basis of the ideals of citizenship propounded by some of the greatest British statesmen and administrators.

My Lord, it is all the more regrettable that the anti-Indian legislation in the South African colonies is based upon considerations of birth and colour. It

is often said by those who are supporters of the colonial Government that their anti-Indian attitude is not inspired by racial considerations but purely economic. If that were the case, I think I could understand it But I have the authority of Lord Curzon that the colonial standpoint is only "partly economic and partly sentimental", since, says Lord Curzon, "they are averse from the permanent introduction into the territories which they have won and are endeavouring to develop as white men's lands". This is just what we mean by saying that the colonial objection is based on what is called "the crime of colour". That this should be so in the twentieth century and in countries in which the type of civilization is what we understand by the word "Christian" is distressing to those who—albeit in the remote future—look forward to the Parliament of man and the federation of the world. It is distressing to find that in this particular matter not only has modern European civilization made no progress beyond the point attained by the ancient, but that it has actually retrogressed. Comparison is often instituted by students of history between the ideals and principles of the Roman Empire and the British Empire, and generally the verdict on most counts is in favour of the latter. It has, however, to be noted with regret that in the matter of the treatment of the peoples of dependencies, the Roman Empire, whether in Asia or Africa, displayed a much greater liberality than we can claim for in the colonies of the British Empire, so far as birth and colour and playing any part in shaping political affairs, are concerned. We have lately had the benefit of studying a masterly exposition on the subject by so distinguished an administrator as the Earl of Cromer—who has had practical experience of both India and Egypt—and this is what he says in his luminous essay on "Ancient and Modern Imperialism":—"Mere colour antipathy does not appear to have existed among the Greeks any more than amongst the Romans...........I have been unable to discover any distinct indication that colour antipathy existed to any marked extent in the ancient world. The dominant Roman and the intellectual Greek thought themselves without doubt very superior alike to the savage Gaul or Briton and

to the more civilized Egyptian or Asiatic; but in estimating his sense of superiority, neither appears to have taken much account of whether the skins of the subject or less intellectually advanced races were white, black or brown". "My own conjecture is", says Lord Cromer, "that antipathy based on differences of colour is a plant of comparatively recent growth, and I cannot help thinking that antipathy based on colour is a much more prominent feature in the government and social relations of the world than was the case in ancient times."

My Lord, all efforts to bring the colonists to take a reasonable view of the affairs having failed, it now remains for us to devise an effective remedial measure, and the remedy suggested in the resolution is the one which seems to me likely to be the most effective and one which will produce least discomfort to the parties concerned. As the four African colonies are now united together, they are jointly responsible for all such acts of any of them as affects the Indians, and by bringing pressure to bear upon even one of them we are likely to produce an appreciable indirect and reflex effect on the others, their interests being now intermixed. It has been conclusively shown by the Hon'ble Mr. Gokhale that on the admission of the Commission appointed by the Governor of Natal in 1908, that colony is materially dependent on Indian labour. "Absolutely conclusive evidence has been put before the Commission," we read in the Report, "that several industries owe their existence and present condition entirely to indentured Indian labour and if the importation of such labour were abolished, under the present condition these industries would decline and in some cases be abandoned entirely". Here then is our chance. And we have to resort to this expedient not in any spirit of retaliation or vindictiveness against those who, however misguided, are nevertheless our fellow-subjects, but solely with the object of protecting the just and legitimate rights of our own people and thereby indirectly upholding the great and glorious traditions associated with the conception of British citizenship, embodied in the expression *civis Brittanicus sum.* Nor is it that the step proposed in the resolution is one that

is not sanctioned by the highest authority. It is some years since Lord George Hamilton speaking as Secretary of State for India declared, in replying to a deputation, as follows :—" I do not like to make use of threats, but if I find that there is a disposition to get this labour and not treat the people fairly, it will be a matter for serious consideration whether or not we shall put some legal obstacles in their way ". " After all," said his Lordship, " India is a very big place and a few thousands taken from here and there does not make any difference ". " But I should not hold the position which I do ", said Lord George Hamilton, " and continue to tolerate treatment which seems to be wholly unnecessary". Similar language was used by Lord Curzon, in the course of his address at Edinburgh. He said :—" The Government of India is entitled to make what stipulations it may please in lending its labour to other parts of the Empire, for this loan is, as a rule, a greater benefit to them than it is a relief to India : and I did not hesitate, when Viceroy, to say that I would contemplate with equanimity the complete cessation of Indian emigration to South Africa, unless I could obtain better terms for those who were there. It is a part of the duty of the Indian Government to put every form of pressure that it legitimately can upon colonial Governments, disposed to exercise their self-governing rights in a selfish or invidious fashion ". We have thus on our side the support of two of the highest officials, and, curiously enough, both Conservative statesmen. Resolutions to the same effect have been passed at many representative meetings in South Africa and in all parts of India. Such being, my Lord, the concensus of opinion on the question, I think your Excellency's Government will do well to place itself at the head of this great popular movement, behind which India stands up as one man. Endless remonstrances have been made to the colonial Governments, but to no purpose, and the time for some action has certainly arrived. This is, in the direction suggested in the resolution, all the more necessary at a time when it is contemplated to abolish indentured labour in Assam. To abolish it in Assam, where the system can be supervised by the Government, and to continue it

in the case of colonies which by manifestation of racial prejudice have violated the first principles of the unity of the Empire, would be to maintain a practice absolutely indefensible. It seems to me, in my humble opinion, to be the clear duty of the Government no longer to countenance a system under which the colonies obtain the benefit of Indian labour, while they withhold from Indian emigrants even the elementary rights of citizenship. Besides, the development of our own industries has brought us face to face with the problem of a larger supply of trained labour than is available at present. Expert opinion is agreed that one of the coming problems of the day would be the deficiency of trained Indian labour to meet our own growing industrial requirements, and there is no reason why we should be altruistic enough to benefit our colonial fellow-subjects, at our own expense, by sending them labour which we badly require. On all these grounds I support the resolution before the Council. I sincerely hope the Government will see their way not only to accept but also to give effect to it. By doing so they will not only have served the best interests of the people of this country, whose destinies they wield, but will have drawn them closer to themselves, by standing up for their rights and privileges. I am sure the Government sympathise with this resolution and, by rising to the height of their duty on this occasion, will fulfil the just expectations of India.

XII

COLONIZATION IN BRITISH GUIANA.

The Hon'ble Babu Surendranath Banerjea moved a resolution at the Imperial Legislative Council on the 4th February, 1920, for the appointment of a committee to examine the scheme of colonization in British Guiana. Mr. Sinha moved an amendment and made the following speech :—*

My Lord, I rise to move the amendment of which I have given notice, and which runs as follows :—

"(1) That after the word 'mover' in Mr. Banerjea's Resolution the following be added :—

(*a*) 'to examine and report generally on the status and position of His Majesty's Indian subjects in all the British Colonies' and,

(2) That clauses (*a*) and (*b*) be re-lettered (*b*) and (*c*), and

(3) That in clause (*b*) as re-lettered after the words 'to examine' the word 'specially' be inserted."

* The Hon'ble Babu Surendranath Banerjea's Resolution runs thus :—

"That this Council recommends to the Governor-General-in-Council that he may be pleased to appoint a Committee consisting of the Hon'ble Mr. Srinivasa Sastri, the Hon'ble Sir D. E. Wacha, the Hon'ble Pandit Malaviya, the Hon'ble Dr. Sapru, the Hon'ble Mr. B. N. Sarma, the Hon'ble Mir Asad Ali Khan Bahadur, the Hon'ble Mr. W. E. Crum, the Hon'ble Mr. Marjoribanks and myself (*a*) to examine the scheme of colonization which the Deputation from British Guiana desire to put forward, and to report thereon and make recommendations to the Government of India, and (*b*) to meet the Deputation from Fiji which has arrived in this country and to examine any proposals which they may put forward, and to report thereon and make recommendations to the Government of India."

My Lord, in the course of the speech with which your Lordship inaugurated the present session of this Council your Lordship was pleased to say that "there are now two Deputations in India, one from British Guiana and one from Fiji, who have come here to persuade us to re-open emigration to those Colonies on a new basis. We propose that a Committee of this Council should meet the Deputations, discuss the different conditions on which it would be possible to re-open emigration and report their conclusions to Government. Sir George Barnes will move a Resolution to that effect."

The Council will realise my surprise when yesterday, on receiving the agenda paper for to-day's Council meeting, I found that in the course of the last three or four days, Sir George Barnes had been metaphorphosed into Mr. Banerjea. If Sir George Barnes had moved the Resolution on behalf of the Government as an official Resolution, I would not perhaps have been justified in trying to tack my amendment to the Resolution. But when our leader, Mr. Surendranath Banerjea brings up before this Council a resolution affecting the status, the position and the rights of Indians in two Colonies, British Guiana and Fiji, I feel justified in trying to induce him to accept my amendment, so that the whole question of the position of Indians in the British Colonies might be, so far as possible, determined by the same Committee which my hon'ble friend has asked the Council to appoint.

Now, before I make my submissions, as briefly as I can, I desire to say one thing and it is this. I think I shall be expressing the unanimous opinion of all the non-official members of this Council, when I say that we are all profoundly grateful to the Government of India, to your Lordship's Government and the Government of your Lordship's predecessors also, for the very strong attitude they have always taken in the matter of the rights and status of Indians in the British colonies. Your Lordship's predecessor, Lord Hardinge, incurred great odium for having delivered a very sympathetic speech at Madras, in which he took up a very strong attitude on this question, and I am convinced that

your Lordship also will be prepared to incur odium, if necessary, for the sake of standing up for the rights of His Majesty's Indian subjects in the British colonies. But the question, my Lord, in my humble opinion cannot be disposed of piecemeal. It has been for many years now a crying evil and the burning question for the people of this country. It is about ten years since my late lamented leader, Mr. Gokhale, moved in Calcutta a very important Resolution on this very subject so far as it concerned South Africa, and Mr. Valentine Chirol (now Sir Valentine Chirol) who sat in the gallery wrote to the *Ttimes* that for the first time in the history of British India a native of India had sat in judgment on the policy of His Majesty's Government and the "Government of India had to sit silent" as they could not make an effective reply. It is ten years since then, my Lord, but the question of the rights of Indians in British colonies remains exactly, I think, where it was. Every six months we hear of trouble now in South Africa, now in Canada, now in East Africa, now here and now there. So far as Canada is concerned, we know that the laws there are so stringent and are so designed against keeping out Indians that some years back there was great trouble in regard to the Sikh emigrants who returned by the "Komagatu Maru", which led to disastrous occurrences, which were investigated into by my Hon'ble friend Sir William Vincent. So far as Australia is concerned, there is no Indian problem there, for the very simple reason that no Indian is allowed to go there. The laws in Australia are so strict that not even enlightened Indian gentlemen can go there for the purpose of travelling, but, I understand, these have been modified since the war, or are going to be modified in so far as to enable educated Indians to travel in that country. I confess this relaxation or concession in our favour is not one which I am prepared to be enthusiastic about. Leaving these two Colonies aside, the position in South Africa is always causing a stir. I have got here with me the letters which the Hon'ble Sir George Barnes recently wrote on the subject to Mr. Gandhi, and which have been published in the papers. In these letters Sir George Barnes exhibits all that sympathy which we have learnt

to associate with him in the matter of the position of the Indians in the British Colonies, and he concedes frankly that the position in South Africa is again very difficult and very critical, and though the Government of India and your Lordship are making every possible effort to relieve the situation, things are at such a pass that nobody can really say how they would ultimately be solved. Sir Benjamin Robertson is, I believe, on his way to settle the difficulties. Personally I would have wished that some non-official Indian member of this Council, someone like my esteemed friend, Mr. Sastri, has been associated with Sir Benjamin Robertson in that mission. I would have liked that a public man of the position of Mr. Sastri would have been deputed to South Africa to help Sir Benjamin Robertson, instead of being detained here shivering as he does every day in the cold of Delhi.

The situation brought out in the Hon'ble Sir George Barnes' letters to Mr. Gandhi really unfolds a tale of woe and misery which passes comprehension. But, my Lord, there are even more difficult questions facing us at the present moment as to the position of the Indians in British East Africa. Some reference was made by your Lordship to that aspect of the case in the course of your observation but I find that Mr. Andrews, of whom Mr. Banerjea in moving his Resolution, deservedly spoke in terms of high appreciation, which I fully endorse, has sent communications from East Africa, where he now is, to Sir Rabindranath Tagore and to various papers, which unfold before us a situation which will cause great pain to every Indian who can appreciate the position aright. Mr. Andrews has summarised in the papers the East African Economic Commissioner's report, about which your Lordship was pleased to say that it does not necessarily represent the views of the Government of the Colony. That may be, but even assuming it to be so, there is not the least doubt that this report, which Mr. Andrews says has been published with the Royal coat-of-arms prominently displayed, does represent the views of a most important and influential section of the public in that Colony. I also find from Mr. Andrews' letter that the gathering of the colonists,

which is called the 'British Parliament' of East Africa, has passed a number of very important Resolutions on Indian policy. The matter being of great importance, I shall with your Lordship's leave read out these Resolutions to indicate how the matter stands :—

'That whereas our Nation has assumed responsibility for the future of the indigenous East African peoples and of the countries they inhabit;

And whereas our national ideals of enlightenment and progress are crystallised in our Christian Western Civilisation and it is our duty to make sure that the best contained therein is readily available for the needs of awakening Africa;

And whereas the maintenance of this country depends entirely on the prestige and force of character of the white man;

And whereas certain Indians have entered this country as traders, clerks and artisans;

And whereas these people follow in all things a civilization which is Eastern and in many respects repugnant to ours;

And whereas their social status brings them more frequently into contact with the African, and thus subjects him to intimate personal influences antagonistic to the ideals of the West;

And whereas the African has shown that he possesses latent qualities which under Western guidance hold promise of material development;

And whereas Indian competition denies him all incentives to ambition and opportunities of advancement;

And whereas the Indian community in this country are agitating for adult suffrage and by this means seek to gain control over the destinies of this country;

We, therefore, representing the whole community, ask the Secretary of State to rule that no system of franchise be given to the Asiatics, nor should they be allowed to acquire land except in townships on short leases, nor be employed in Government works, and that steps be taken at once to restrict Asiatic immigration in order that this stronghold of European colonisation in Central Africa may stand beside her sister Colonies in their Asiatic policy.'

Now, that declaration, my Lord, should satisfy every member of this Council that the Indians are in a bad way in this East African Colony. Then in the report to which I have made reference, there are

various passages couched in language calculated to give great offence to any impartial subject of His Majesty, be he European or Indian. I shall not inflict on this Council any long passages from this report, but I shall read out one passage to indicate the trend of it, and the value to be attached to a document of this character. After describing the Indians as a "crafty race" and using about them other such opprobrious terms, they say :—

" The moral depravity of the Indian is equally damaging to the African, who, in his natural state, is at least innocent of the worst vices of the East. The Indian is the inciter to crime as well as vice, since it is the opportunity afforded by the ever-ready Indian receiver which makes thieving easy. If the Indians were eliminated, the number of offences against property, now high, would be reduced to measurable proportions.

The Empire is faced with a serious dilemma, which cannot be evaded. The choice lies between the vital interest of the African and the ambition of the Indian. The presence of the Indian in this country is quite obviously inimical to the moral and physical welfare and the economic advancement of the natives. The matter is one of the highest Imperial importance, and we regard it as imperative that the Empire should definitely decide, and that without delay, whether the welfare of the African is to be subordinated in his own country to political considerations and the pretensions of the more restless elements of the Indians. Upon the decision as to East Africa the future of the whole Continent will largely depend, for if Indians are to be allowed to stream in at any one entrance in unlimited numbers, it will scarcely be possible to localise them indefinitely in any particular territory ".

My Lord, I could read out many more similar passages, but my time is limited and I shall not do so, therefore. I shall now read out one short passage from Mr. Andrews' review of the situation which he has sent to Sir Rabindranath Tagore. He says :—

" I cannot tell you the misery this situation means to the Indians who have settled here. Many of them have settled for generations and were here long before the Europeans. They are practically told now that they are to clear bag and baggage out of the country. And all the while the truth is as plain as can be that it is their *moral* qualities themselves of thrift and sobriety which are the cause of offence in a

large number of cases and this cry of ' Christian Western civilisation ' is a hypocricy which is as base as it is cowardly and mean."

Without endorsing the strong language of Mr. Andrews, who is on the spot, who sees what is going on and feels strongly, I think it will be apparent to every member of this Council, Indian or European, that things in East Africa are in a bad way, indeed. This being the condition in Canada, in Australia, in South Africa and in East Africa ; surely it is time that the Government of India, either *suo moto* or as Mr. Banerjea suggests, should appoint a Committee to go into the whole question, as it cannot be disposed of piecemeal by sending Sir Benjamin Robertson here or a Deputation there, or a telegram to somebody else. I submit what is really required is a settlement of the whole thing once for all by a definite declaration as to the policy of His Majesty's Government. My Lord, I am not unaware that these Colonies, or many of them, have got self-government, and I quite realise that the British Parliament cannot force them. I am not disposed to take a hypercritical view or take my stand on the theory that because they are parts of the British Empire, therefore, the British Parliament should coerce them. At the same time, I must stand up for the just and legitimate rights of my own people. The Empire has to us, my Lord, no meaning whatsoever if our Indian fellow-subjects cannot obtain even the elementary rights of the British citizens in the British colonies. I have no need to enlarge upon that part of my contention, as Mr. Banerjea has himself referred in most eloquent words to the indefeasible rights of the Indians in the British Colonies. I, therefore, without trespassing further on the patience of the Council, ask that my amendment be accepted, and the Committee proposed by Mr. Banerjea be appointed to go into the whole question exhaustively.

XIII

HINDU MARRIAGES VALIDITY BILL.*

Sir,—I rise to give my adherence to the principle of the Hon'ble Mr. Patel's Bill and also to support the amendment of the Hon'ble the Home Member that the Bill be referred to a Select Committee of all the non-official members of this Council. I hope I shall speak loud enough to be heard even by the Hon'ble Rai Sita Nath Ray Bahadur. It has been said that the Hon'ble Mr. Patel's name will go down to posterity as an apostle of reform, if the Bill be enacted ; whether it will be so I do not know ; but I congratulate Mr. Patel on having brought forward a measure which has had the unique effect of galvanising into very vigilant activity my friend, the Hon'ble Rai Sitanath Ray Bahadur, who since yesterday has been very alert, indeed, to express his opinions on this Bill and who has conveyed that impression to the Council by means of his interruptions and bobbing up and down in his seat a number of times to catch the President's eye. You will pardon my saying, Sir, that it seemed to me you were rather unkind to the Hon'ble Rai Bahadur in not giving him a chance in the first onrush of his enthusiasm, when he might have said even more interesting things than he did to-day, after his ardour has cooled down slightly. Now, I have always thought that there was some justice in the observation that the civilisation and culture of our friends in Bengal was more of a veneer than substantial or real, and the fact that the presidency of Bengal should have, through the mouths of two of its representatives, the Hon'ble the Maharaja of Kasimbazar

---

* *Speech made by Mr. S. Sinha at the Imperial Legislative Council meeting held at Delhi on February 25, 1920, in supporting the motion made by the Hon. Mr. V. J. Patel, that his Hindu Marriages Validity Bill be referred to a Select Committee.*

and the Hon'ble Rai Sitanath Ray Bahadur, opposed the Bill does seem to me to support that view. But I take strong exception to the exaggeration of the Hon'ble Rai Bahadur when he said that in Bengal nobody who is anybody is a supporter of this Bill. When I heard that, I asked myself whether it had come to this that, in this Council anybody from Bengal could say so in the face of my leader, Mr. Surendranath Banerjea. Is he nobody in Bengal? Mr. Banerjea occupies a high position in our public life, not only in Bengal, but throughout the whole of India, and has done so for the last thirty years; and his support, speaking as a Brahman and as a leader, should surely carry weight with this Council as against the views of the Maharaja of Kasimbazar and the Rai Bahadur. I have known the Hon'ble Rai Sitanath Ray Bahadur to enjoy a high reputation as a financier, but never as a social reformer, nor as a gentleman who could enlighten this Council on such questions. He read out a great deal of quotations for which he apologised. I am sorry that in spite of my sitting so close to him I could not catch all that he said; but the few words which escaped through his mufflers gave me the impression that he was opposed to this Bill on the very old grounds of "religion in danger", "society going to pieces", and such other things. Now, I think, it is time that such frivolous objections were not placed before this Council, except on very substantial grounds, and I venture to say that he advanced to-day no substantial argument in support of the contention that this Bill should not be referred to a Select Committee. It may be that the Bill is not so comprehensive as it should be; it may be that the Bill leaves various important matters without incorporating them in its text, and I hope that the Select Committee, after careful consideration, will make provision for the matters referred to in the speeches of the Hon'ble Mr. Sarma and the Hon'ble Mr. Sastri. The Hon'ble Rai Sitanath Ray Bahadur went on to say that the Bill was so fundamentally wrong that it should not go before a Select Committee at all. It seems to me, if I may say so without impertinence, to be making a preposterous suggestion to this Council. I do not think I need detain the Council with regard to the obser-

vations of the Hon'ble the Maharaja of Kasimbazar. He is a gentleman who is held, not only in Bengal but even outside it, in high regard for his generosity and public benefactions; but he is unfortunately one of those 'birds of evil presage' who think that the whole society is going to pieces when the least change is going to be made in the social customs of the country. That view certainly is absolutely wrong, and I hope in this particular matter we shall be guided, so far as Bengal is concerned, not by the views ot the Hon'ble Maharaja or the Hon'ble Rai Bahadur, but by those of so veteran a leader as the Hon'ble Mr. Banerjea. As for my friend, Mr. K. V. Rangasawmy Ayyangar, he is one of those gentlemen who are home-rulers in matters political but non-home-rulers, I suppose, in all other matters. If it comes to ousting the jurisdiction of the Government and encroaching upon their preserves he is, I am glad to find, the first in the field; but when it comes to making any concession to his own people, some little privilege being conferred on them, he stands up and contends that it is fundamentally wrong that he would not feel justified even in joining the Select Committee............

The Hon'ble Mr. G. S. Khaparde :—" On a point of order, Sir, is it permissible to any Hon'ble Member to make these personal remarks ? That is all that I want to say."

The Vice-President :—" The Hon'ble Member, I think, understands the question of non-parliamentary language very well; that being so, I will only say that until now the Hon'ble Mr. Sinha has said nothing 'unparliamentary."

The Hon'ble Rai Sita Nath Ray Bahadur :—" We are not here to hear sermons on personal matters."

The Vice-President :—" I greatly regret that I did not hear what the Hon'ble Member said."

The Hon'ble Mr. Sachchidananda Sinha :—" Have I your leave now to go on, Sir ? "

The Vice-President :—" Certainly."

The Hon'ble Mr. Sachchidananda Sinha :—To my mind, Sir, this Bill is a very small instalment of

reform which has been long overdue. To begin with, it is a purely enabling and permissive measure ; it does not compel anybody to do anything against his wishes. The Hon'ble Rai Sitanath Ray Bahadur thought that he was putting forward a most crushing rejoinder against those in support of this Bill when he said "Oh ! you, gentlemen, approve of this in theory ; but are you prepared to carry it out into practice by marrying your children outside your caste ?" I hope I am quoting correctly the substance of what he said. Now, I do not desire to say anything about children, as my only child is two years old, and I do not suppose that even the Rai Bahadur can say that he should be married at the present moment. But, speaking for myself, I am quite willing to marry him outside my caste, if the Rai Bahadur will help me in that matter. My marriage was the first inter-caste marriage among the Hindustanee Kayasthas, and I am prepared to go farther with regard to my child. I think there are many people here who are not only mere theorists in this matter, but who are desirous of taking a step in advance by marrying outside their caste. I do not think that, therefore, it is a fair argument to put forward that everybody, who supports the Bill, is a mere theorist and is not willing to carry out his theories into practice.

Now, Sir, I am the only member, besides perhaps the Hon'ble Sir Zulfikar Ali Khan, who was in this Council before when Mr. Bhupendranath Basu introduced his Bill. That Bill, as we know, went much further than the present one. I was one of the strongest supporters of that Bill through all its stages. Naturally, therefore, to my mind, this Bill is a very diluted measure, a very meagre one. I wish it had gone much further. But I have always been a most moderate man (I do not yield in moderation to anybody, not even to my leader the Hon'ble Mr. Surendranath Banerjea), and as an exceptionally moderate man, although personally I would go much further than this Bill, I am prepared to support it cordially. I have always believed in acting up to the principle inculcated by Cardinal Newman in his famous hymn—

Lead, kindly Light, amid the encircling gloom,
Lead Thou me on ;
The night is dark, and I am far from home,
Lead Thou me on.
Keep Thou my feet ; I do not ask to see,
The distant scene : one step enough for me.

I believe that in all matters, whether political or social, one step in advance is a great thing to have ; and that is why, although personally I think that this measure is not so advanced as it might have been, I am prepared to vote for it.

Under your ruling, Sir, I am not to say anything about Brahmins and non-Brahmins and I shall loyally abide by it. I shall only say that in the province which I have the honour to represent here, Bihar and Orissa, there is fortunately no such thing as the Brahmin and the non Brahmin question : but I am glad to find that in this Council the support given to this Bill is not based on any such consideration as that of Brahmin and non-Brahmin. My friends, Mr. Sastri and Mr. Banerjea, who are all Brahmins, have supported the Bill ; whereas the objection curiously has come from the Hon'ble Raja Sir Rampal Singh, the Maharaja of Kasimbazar and the Hon'ble Rai Sitanath Ray Bahadur who are non-Brahmins. I do not think, therefore, that their objection is an important matter to be taken into account. I frankly say that the vast bulk of the community, at present, is against the Bill ; and if I give it my support I do so as my own personal view, and I do not say that I represent in this matter the views of the vast bulk of the people in Bihar and Orissa. At the same time, I do not concede that because that is so, I have no right to vote for this Bill being enacted. The Hon'ble Mr. K. V. Ranga Sawmy Ayyangar propounded certain views which seemed to me rather curious and untenable. He contended that a man who lived in a certain society or under a certain system of administration, social or political, must subscribe to all its rules and regulations, without making any effort to have them improved or amended, or he should go out of it. That is a proposition which I do not at all accept. On the contrary,

I think it is the bounden duty of every human being to try to improve his conditions and surroundings, whether political or social or moral, and to advance further and further to higher ideals. It has been my settled conviction that the reason of the phenomenon that, while all the old Empires, Assyria, Babylonia, Phoenicia, Greek, Rome and others have perished, India has survived cataclysms and vicissitudes, and even now after thousands of years is still a vigorous nationality, producing great scientists, orators, legislators, speakers and public men distinguished in all walks of life, as that Indian society has always possesesd and displayed most marvellous powers of adaptability to environment. It is that which has saved India from extinction, while all the other great Empires of old have decayed and disappeared. We have got even now the country called Greece, but as Byron said, "It is Greece, but living Greece no more." So about Rome, and so about other great Empires in the ancient world. It is, therefore, I think, that those gentlemen who stand against some little progress being made are not the best friends of the people, but they are really those who, not knowing it perhaps, do a great harm to the best interests of the country. I should like to refer for a moment to the question raised by the Mahomedan friends as to whether it is right for them to take part in the proceedings of the Select Committee. It was the view of a very high official, Lord Morley, and I believe, Mr. Asquith also made certain statements at the time the Minto-Morley reforms were under consideration, to the effect that the differences between Hindus and Mahomedans cut so deep and were so radical that it was impossible for them to act together or for the Government to ignore them. Remembering these, I would congratulate the Hon'ble the Home Member on the observations that he made yesterday on this question. He said it may that there are differences between Hindus and Mahomedans, but after all they have to live together in the same country ; they are under the same conditions of life, and they are more likely to know what are the interests, the grievances, and the requirements of each other than an official from England. I hope I have quoted substantially the observations of

my Hon'ble friend, with which I entirely agree. Why should not Hindus give their advice on a question affecting Mahomedans or *vice versa?* Some years ago Mr. Jinnah brought in a Wakf Validating Bill. I was one of those who gave it my support. I did not feel justified in refraining from doing so because it was a matter that primarily concerned Mahomedans. This is a question on which, if I may say so without impertinence or disrespect, the Mahomedans are taking what does not seem to be a correct view. I gather from what Sir Umar Hyat Khan said that he is afraid that this will create a precedent for putting Hindus on committees considering questions that concern Mahomedans. I am confident that if ever Government put Hindus for considering a measure particularly affecting Mahomedans, the Hindu members would work loyally with the Mahomedans and would not act in any manner detrimental to their interests For similar reasons we shall most heartily loyally welcome co operation on the part of our Mahomedan friends, and I am sure we may expect to benefit from their sound advice. With these observations, I strongly support the motion of the Hon'ble Sir William Vincent.

XIV

MUSSALMAN WAKF VALIDATING BILL *

Sir,—I rise to support the motion of my friend the Hon'ble Mr. Jinnah, and I am glad that I am able to do so. As one belonging to the same profession as the Hon'ble Mover, and also as one who may claim an intimate knowledge of the feelings of the Mahomedan community on the subject-matter of this Bill, I can say that it will be warmly welcomed by Mahomedans all over India, seeking as it does to secure the perpetuation and permanence of an institution for which there is the highest authority in their religion and law, and which, I am firmly persuaded, is a factor of great economic value in the preservation and development of their society. The necessity for the Bill has, as explained by Mr. Jinnah in his lucid and able speech, arisen because of certain decisions of the Privy Council and the Indian High Courts, the practical effect of which is that *wakf-alal-aulad* or family settlement has now become almost impossible. As I have already said, the roots of this institution lie deep in the religion and history of the Mahomedans, and the way in which their law on this subject has been interpreted by British Judges in India and England (I mean no disrespect to them) is an apt illustration of the dangers which beset the path of all Judges who have to interpret the personal law of communities other than their own laws which are not unoften totally alien to their social instincts and juristic conceptions, being based on totally dissimilar foundations.

---

* *Speech made by Mr. S. Sinha, in supporting the Mussalman Wakf Validating Bill introduced by the Hon. Mr. Jinnah in the Imperial Legislative Council meeting held at Calcutta on March, 1921.*

Sir, it is known to every lawyer that the word "charity" has became a word of art in English law; it has a well-defined and technical significance in the well known English Statute of Elizabeth, and I submit that it is by no means impossible that the view which has been taken by British Judges of the Mahomedan law of *wakf* has been coloured more or less, perhaps unconsciously, by conceptions which are traceable to that Statute. But, as was observed by that eminent Hindu Judge and Jurist, Sir Subramania Iyer (in a case in which he had to deal with the Hindu conception of Dharma), charity, like water, takes its colouring from the soil through which it flows. The Hon'ble Mr. Jinnah's Bill does no more, as I look upon it, than ask the Judges to bear in mind the character of the soil in judging of the colouring of the water. Now, what is the orthodox Mahomedan law on the subject? I shall give it in the words of a distinguished Indian Judge whose eminence as a Muslim Jurist has been recognised by his recent elevation to the Privy Council, "Every good purpose," says the Right Hon'ble Mr. Syed Amir Ali in his book on *Muhammadan Law*, "which God approves, or by which approach is attained to the Deity, is a fitting purpose for a valid and lawful *wakf* or dedication. *A provision for one's self, for one's children, for one's relations,* is as good and pious an act as a dedication for the support of the general body of the poor. The principle is founded on the religion of Islam, and derived from the teachings of the Prophet, and, therefore, any variation of the rule is a direct interference with the Mussalman religion." These are the words of an eminent Muhammadan Judge. It is true that the exposition of Mr. Amir Ali has not been accepted by British Judges in India or by the Privy Council, and that is just the reason why the Mahomedan community require that the legislature should come to their rescue and place the law on a more satisfactory footing. In a case reported in I. L. R. 17 Cal. 498 (*Ahsan Ullah Chowdhry's* case) their Lordships say "they have not been referred to nor can they find any authority showing that, according to Mahomedan law, a gift is good as a *wakf*, unless there is a

substantial dedication of the property to charitable uses at *some* period of time or other." In a subsequent case (*Abul Fata* v. *Rasmaya*, 22 Cal. 635) their Lordships say: "As regards precepts which are held up as the fundamental principles of Muhammadan Law, their Lordships are forgetting how far law and religion are mixed up together in the Muhammadan communities; but they asked during the argument how it comes about that by the general law of Islam, at least as known in India, simple gifts by private persons to remote unborn generations of descendants, successions that is of inalienable life-interest, are forbidden; and whether it is to be taken that the very same dispositions, which are illegal when made by ordinary words of gifts, become legal if only the settler says that they are made as *wakf*, in the name of God, or for the sake of the poor. To these questions no answer was given or attempted, nor can their Lordships see any." Sir, I desire to speak with all the respect due to their Lordships, but I feel bound to say that this way of arguing the question is hardly satisfactory. It scarcely takes into account the spirit of the institution, and, even assuming that the Muhammadan Law is illogical in this respect, it is after all not a very serious reproach to it, for has not a recent Lord Chancellor, the Earl of Halsbury, reminded us in one of his judgments (*Queen* v. *Leatham*, 1901, A. C) that law is not always logical and that, because a proposition is logical, it does not follow that it also is legal. Again, their Lordships say in the same case (in 22 Cal) that it "would be doing wrong to the great law-giver to suppose that he was commending gifts for which the donor exercised no self-denial, in which he took back with one hand what he appeared to put away with the other, which was to form the centre of attraction for accumulation of income and for the accession of family property, which carefully protect so called managers from being called to account; which seek to give donors and their family the enjoyment of the property, free from all liability to creditors; and which do not seek the benefit of others beyond the use of empty words." I submit the abuse of an institution, intrinsically good, is no argument

against its continuance. By all means make it impossible that it should be abused, or that it should be used as a weapon for defrauding honest creditors; but why abolish it when the religion and the law of Islam require that it should live? Sir, as with other maxims, so with legal, it is a good rule to remember that they should not be construed too strictly and literally. We all know that perpetuities are odious to law and that alienability is the general rule governing property. But we also know that certain perpetuities are allowed even in the English Law itself and that in England and India alike there are certain classes of property which are inalienable. In dealing, therefore, with the question before us, we should not allow ourselves to be too much influenced by general abstract principles of jurisprudence, but rather see whether a restraint such as is imposed upon property by the law of *wakf* is good or bad, in the interest of those whom it concerns. On this point the Hon'ble Mover has already quoted the high authority of the Russian Professor, de Nauphal. I myself believe that having regard to the economic conditions of Muhammadan society in India, the institution of *wakf*, besides being founded on their religion, is a factor of great economic value. The Government themselves have had in some parts of the country to pass laws permitting the entailing and prohibiting the free transfer of property. They are, therefore, invited to take no extraordinary step in the interest of the Muhammadan community. As I have already shown from a quotation from a judgment of the Privy Council, it is required that the dedication to be good must be a substantial dedication for the poor or for charity. Sir, quite a jungle of case-law has grown up on the dictum of their Lordships, and in each case the question as to what is a substantial dedication, and what is not, presents an element of great uncertainty. As regards the poor, they are always with us, and the Muhammadan Law itself makes them the ultimate beneficiaries under every charity, when all other objects fail. But it should be remembered that the Muhammadan Law looks upon one's own descendants as also fitting objects of charity. After all, we need not feel so much shocked at this

provision, when we remember what a world of wisdom is concentrated in that homely adage, alas! but too often misapplied that charity begins at home.

Sir, I believe the Hon'ble Mr. Jinnah in this matter has behind him the entire Muhammadan community; he has his own religion and law on his side, and also the good wishes and sympathy of his Hindu fellow-countrymen. It appears to me that neither economic considerations nor public policy will at all be strained by accepting his motion, but that, on the contrary, the acceptance by this Council of this Bill to-day and its enactment in due course will bring satisfaction and contentment to the great Mussalman community and remove from their mind a genuine grievance. For this reason I have great pleasure in cordially supporting the motion before the Council.

XV

"THE HINDUSTAN REVIEW" THIRTY-FIVE YEARS AFTER.*

Look backward, how much has been won;
Look round, how much is yet to win;
The watches of the night are done,
The watches of the day begin.

Amongst so short-lived a people as the present-day educated Indians, it falls to the lot of few publicists to survey, after a lapse of thirty-five years, the record of periodicals founded by them. It is, therefore, a source of gratification to me that I am privileged to introduce a new monthly series of the *Hindustan Review*, three decades and a half after I edited its first issue. The forerunner of this periodical was ushered into existence as the *Kayastha Samachar*, in July, 1899, by Mr. Ramananda Chatterjee, who was then Principal of the Kayastha Pathshala College, Allahabad, and who has long since made his mark as a distinguished publicist, as the editor of the *Modern Review*, which he founded, at Allahabad, in 1907, but which was removed later to Calcutta. Mr. Chatterjee—as befitting a veteran educationist—conducted the *Samachar*, which was then the College organ, as a high-class educational magazine, but owing to the pressure of his duties as the Principal of the College, he had to sever his connection with it as editor, at the end of the first year, in June 1900. I was then requested by the then President of the Board of the Trustees of the institution to conduct it in succession to Mr. Chatterjee. I, however, stipulated that I should be given a free hand to conduct it not as an educational magazine, but as a general record and review of Indian progress in all spheres of activities. According to this arrangement, I brought out the first issue of a new series in July 1900, in which the place of honour was assigned (not undeservedly) to a political

---

**Reprinted from the "Hindustan Review," July 1934.*

article on "Sir Antony Mac Donnell and the United Provinces" from the pen of a rising young publicist, Pandit Tej Bahadur Sapru—he was not even "Dr." at the time, to say nothing of being a Privy Councillor!—which was followed by a literary contribution of great merit by that eminent lawyer and litterateur—the late Dr. Satish Chandra Banerji, Premchand Roychand Scholar, whose premature death, in 1915, was a most irreparable loss to scholarship and legal learning in Upper India. There were some other good contributions, and also editorials and reviews of books. Compared with the then general run of Indian periodicals, the *Samachar* had some strikingly attractive features and at once scored a great success.

Strange as it may sound to-day, there was not in the United Provinces, at that time, any Indo-English newspaper or periodical except one twice-weekly—the *Advocate* of Lucknow—which used to be ably conducted by a well-known Congressman and publicist—the late Ganga Prasad Varma. The result was that though but a monthly—and that too with a communal nomenclature—the *Samachar* came to supply immediately a long-felt want in Agra and Oudh, in particular, and in Upper India in general, of an organ of Indian public opinion as then voiced by the Congress. The first number, though rather hastily put together and not well-got-up either, was accorded an enthusiastic welcome in the press of the country, which was beyond my most sanguine expectations. The *Tribune* of Lahore—then as now the foremost organ of Indian public opinion in the Punjab—enthused over it in a long leading article headed "From the Caste Unit to the National Whole." The late Mr. Surendra Nath Banerjee, in the *Bengalee*, was equally enthusiastic and complimentary, while the leading organs of Indian public opinion, in the various provinces, vied with one another in their appreciation of each succeeding number, and it was followed in due course by highly flattering notices in the leading Anglo-Indian journals, notably the *Pioneer*. Thus in less than two years, the *Samachar* had on its list of contributors almost all the distinguished writers and eminent publicists in the country at the time, and a few months before Lord Curzon's

Delhi Darbar of January 1903, it received to that ceremonial an invitation, being the only monthly invited amongst the many dailies and weeklies. This recognition it had fully earned by reason of its high position in the press of the country, as an exponent of sound and progressive Indian public opinion. In appreciation of this acknowledgment by the Government, the Trustees of the College agreed to my proposal to confer upon it the appropriate and comprehensive designation of the *Hindustan Review*, under which it first appeared in January 1903, and which it has borne since. A year later they transferred to me its goodwill and all proprietary rights in it.

Since July 1900, the *Hindustan Review* continued to be issued from Allahabad till the middle of 1921, when on my appointment as a Member of the Governor's Executive Council in Bihar and Orissa, I was called upon to sever my editorial connection with this periodical. Long before that time it had come to be acknowledged, even in Europe and America, as one of the leading periodicals in English, and many European and American books on India had expressed their appreciation of it to that effect. I could not, therefore, make up my mind to stop it, and as no one was willing at Allahabad to take it over, it was decided to remove it to Calcutta and to place it under the control of Mr. K. C. Mahindra, B. A. (Cantab.) (of the firm of Messrs. Martin and Co., of that city)—a highly gifted and an exceptionally qualified gentleman for the task, who managed to keep up its high standard, during the more than five years that he edited it. But when I returned to public life, after the expiry of my term of office as a Member of the Bihar and Orissa Government, in 1926, the *Hindustan Review* was removed to the place of its birth and growth—Allahabad—and re-appeared there in January 1929 Later, on the score of convenience, its publication was removed to Patna, from which place this new series is now being launched, in circumstances that seem better adapted to modern conditions of periodical journalism in this country.

II.

Recalling to my mind some of the incidents of the last thirty-five years, during which I have been intimate-

ly connected (as the editor of the *Hindustan Review*) with many phases in the public life of the country, I am struck with the remarkable progress which India has made during this period. In 1900 (except the wholly official executive councils, to assist the Governors of Madras and Bombay) there were no Executive Councillor, or Ministers, in any of the provinces, and thus by far the greater part of British India was under one man rule—the "one man" at that time being either the Lieutenant-Governor or the Chief Commissioner. Not even the executive councils, in the governments of Madras or Bombay, had a single Indian official—to say nothing of Indian non-officials. Thus the governments of all the provinces were, frankly, absolute "despotisms", in theory as well as in practice, while they cannot be technically said to be wholly so, in theory, at present—with so many non-official Indians in the provincial governments, both on the reserved and the transferred sides, administering their departments on a footing of equality with the official executive councillors.

Then as against, not the dozens and scores but, the hundreds who now represent the people in the central and the provincial legislatures—many of them worthily, with such consummate ability as would do credit to the members of the House of Commons itself—the whole of British India was represented in the then Imperial Legislative Council by but *four* elected members, but all of them technically still "nominated," being the nominees of the Governor-General, and each representing the non-official members of the legislatures of Bengal, Bihar and Orissa, the then North-Western Provinces (now the province of Agra) and Oudh, Bombay and Madras. These four provincial legislative councils—which were then the only ones in existence—had a few non-official elected members, but they too were technically 'nominees' of the Governors and the Lieutenant Governors of the four provinces mentioned above.

The system which then obtained was under Lord Cross's Act, passed by Parliament in 1892. The Morley-Minto reforms did not come into force for another

ten years. Responsible Government, as a political term applied to India, was not only unheard of, but was beyond the mental horizon of even the most advanced politicians of that time. Nor was "Swaraj" —either as a term or ideal—better known or better understood. Till many years later, in fact, it was taken by the Executive to be synonymous with sedition, while any reference to "independence" (or the complete severance of India's connection with the rest of the British Commonwealth) as an element of practical politics, would have given the shock of his life even to so advanced a public man and publicist as, say, the late Mr. Tilak. Mahatma Gandhi was absolutely unknown at the time, though he had attended the Calcutta session of the National Congress, held in 1901, under the presidentship of Mr. (now Sir) Dinshaw Wacha, and the now popular expression "direct action" (embodying in its programme boycott, non-co-operation and civil disobedience) as measures of practical politics, was beyond the remotest ken of even the most advanced politicians.

III.

As for the proceedings of the then Legislative Councils, the less said the better There were, of course, at the time, no Presidents—non-official or even official—other than the head of the administration of the country or the province, and the speakers had to be constantly "my lording," "your excellencying" or "your honouring" them, on pain of incurring their grave displeasure, and also being charged with bad manners. Then you had to read out your speeches sitting. The Viceroy—as did Lord Curzon on several occasions when I was present, in the Imperial Legislature, as a sight-seer—might thump the table violently or even stamp his foot in rage, when giving point and emphasis to the manuscript eloquence which he was inflicting, but not so could do the poor non-official member, who was expected to be on his best behaviour, and to address the Sovereign's august representative with bated breath and in downright whispering humbleness. Once (in 1900) when Pandit Tej Bahadur Sapru and I attended a meeting of the provincial legislative council, at

Allahabad, on the occasion of a debate on the Tenancy Bill, we witnessed a scene which neither of us has forgotten or can forget. The opposition to the Government Bill was being led by a patriotic and independent-spirited zamindar (who was also a "Rai Bahadur"), who had prepared a searching criticism of it, which he had begun to read out. His views were highly annoying to the President, who was none other than the Lieutenant-Governor and Chief Commissioner rolled into one – the late Sir Antony (afterwards Lord) Macdonnell. Even before the speaker had come to the main part of his address, Sir Antony lost patience with him and, in fact, lost his temper completely, with the result that he began to shout at the top of his voice –"No, no, no, Nehal Chand, this will *not* do. Either withdraw what you have said, or I shall get all of it expunged from the proceedings. Do you withdraw it or not?" The poor speaker had no alternative but to give in and his remarks so objected to—without the least justification—were, I believe, omitted from the report of the proceedings. On another occasion Sir Antony came into open conflict with the late Pandit Bishambhar Nath—one of the long acknowledged leaders of the vakil section of the Allahabad High Court Bar – but he failed in browbeating that learned, able and independent lawyer, who possessed rich and rare gifts in advocacy, and managed to beat Sir Antony on his own ground. Even some years later, Lord Curzon not unoften attempted to hector, if not bully, his non-official Indian colleagues into submission in various ways, and he tried this game even with Mr. Gokhale, but gave it up so far as he (Mr. Gokhale) was concerned, as he found it to his cost that the great Indian leader was not inclined to take it lying down. I was present at one of these memorable scenes between Lord Curzon and Mr. Gokhale, in the Calcutta Council Chamber, in the course of one of the debates on the Universities Bill, and can never forget that memorable scene.

IV.

Many of those who have been or are taking a prominent part in the public life of the country, especially in Congress circles were either unborn, or just born

and being rocked in the cradle, or were at school. Even the late Mr. C. R. Das had not sprung into fame as a successful advocate, to say nothing as a political leader. It was not till 1907 that he made his mark as a criminal lawyer in defending (in the famous Alipore bomb trial) Mr. Aurobindu Ghosh, while he did not come into prominence, as a political leader, till long after. Pandit Jawaharlal Nehru—an ex-President of the Lahore session of the Congress, held in 1929—was then about ten years old, while his revered father, Pandit Motilal Nehru—for some years the distinguished leader of the Swaraj party in the Legislative Assembly—could only by courtesy be regarded as a public man, and that too of the most moderate school. Even so late as 1907, when he presided over the first session of the United Provinces Conference at Allahabad (dressed, in the hottest weather in the then fashionable, braided dark grey morning coat, fancy striped trousers and patent-leather boots—every sartorial detail from the pearl pin in his foulard silk cravat down to the lavender spats over the varnished boots speaking of the meticulous care in dress for which he was famous—sweltering, and all the time wiping his face with a silk handkerchief, melting as he was with profuse perspiration), he made a slashing and vigorous attack on the then exponents of, what was called, the "extremist" school. No one who like myself, intimately knew him at the time—or even till some ten years after—could ever conceive the Pandit Motilal of those days developing into the *khaddarclad* protagonist of the "independence" party in the country.

Mr. C. Y. Chintamani—long since an ex-Minister of Agra and Oudh, famous as the editor of the *Leader*, and the very able leader of the Opposition in the United Provinces legislature, and who was recently presented with an address by the district board of Agra which hailed him as "a statesman, a journalist and a social reformer" did not come to live permanently at Allahabad till after the Curzon darbar, held at Delhi in January 1903, by which time the *Hindustan Review* had achieved a notable success and established its

position in the front ranks of Indian journalism. In 1900, he was still living as an "exile" in some part of South India (called the Madras presidency) and there was no soothsayer to predict his future greatness in the "deserted village" of Allahabad. Lastly—to mention but one more prominent figure now—Babu Rajendra Prasad, who has sacrificed at the altar of public duty a most brilliant prospect at the Bar, or on the Bench, and whose justly-earned reputation, for self-sacrifice, devotion to public interests, high character and absolute integrity, has enabled him to raise more than 26 lakhs of rupees for the Behar earthquake relief fund—unaided by any adventitious forces or circumstances—was still at school and had not yet appeared at the matriculation examination. His brilliant success at the latter was the subject of editorial comment in the *Hindustan Review*, some years after it had come into existence. I have recalled but a few names from amongst those now prominent in public life to emphasise the many changes that have come about since the first appearance of this periodical in 1899.

V.

Now the mere recalling of these few facts—picked up at random from my recollections—will show the vast and varied changes for the better which have come over our public affairs, during the last twenty years, especially since the inauguration of the Montagu-Chelmsford Reforms in 1921. Instead of the rather demoralizing and subservience-breathing atmosphere in which public activities had then to be carried on—as if it were on sufferance—we have now our Assembly and the provincial councils, with a majority of elected representatives of the people in each of them, in which the popular spokesmen work on equal terms with the members of Government, under the guidance of elected Indian Presidents, the most notable of whom was my late lamented and esteemed friend, Mr Patel, who by his remarkable ability, intense devotion to duty, commendable courage and rare independence, exalted the dignity of the great office which he so well adorned, and thereby added a memorable and an enduring chapter to the history of Indian progress in the twentieth century.

In fact, howsoever dissatisfied we may be—and not perhaps unjustly—with our present position in the British Commonwealth and the gloomy prospects, just at present, of constitutional progress leading, in the near future, to the establishment of Dominion Status or Responsible Government (both these are synonymous terms), that should not blind us to the fact that during the years of the twentieth century India has achieved a most notable progress in many respects and that too in various spheres of activities—spiritual, moral, political, educational and economic. A great deal, no doubt, yet remains to be achieved, much leeway has yet got to be made up before we can expect to reach the destined goal, and ever so much greater patriotism will have to be evoked and a much larger measure of self-sacrifice incurred, than have been done so far, before we may reasonably expect, not only to achieve success in our efforts, but to place the new political institutions, that we desire, on a stable basis—for history abounds in examples which prove that it is easier to conquer but most difficult to retain possession. Nevertheless the advance made by our country during the lifetime of the *Hindustan Review* has been notable and sufficiently stable in many directions, and it may safely be hoped that if the country is not driven by the Government's unjustifiably repressive and hopelessly reactionary policy, or force of circumstances now unforeseen, into violent upheavals, if internal peace remains undisturbed and communal relations are slowly improved, we may look forward to progress at even swifter strides in time to come, than heretofore, on the road to Dominion Status.

VI.

It would be needless affectation were I to withhold from the *Hindustan Review* its due, for the good work it has done during the fairly long period of thirty-five years, in popularizing sound political ideas, disseminating healthy opinion on current controversies, stimulating culture through the medium of its Literary Supplement, and contributing generally towards India's advancement by methods which are associated with high-class periodicals, journals and newspapers. It is

a truism that the Indian press is an exotic, that it is still fettered with many handicaps, and labours under many disadvantages. But with all these limitations, it has made remarkable progress during the present century—in spite of the pernicious effects on it of the baneful Press Act, which was in force from 1910 till its repeal in 1922—and the more recent ordinances and Acts The *Hindustan Review* may justly claim that, during the now more than a third of a century of its existence, it has materially contributed to healthy progress in the country. Its contributors have been the most able and most distinguished Indian publicists. It is no reflection on any of our esteemed contemporaries in the periodical press of India to state the fact that this *Review* alone can claim to have published articles, especially written for it, by such great and distinguished leaders of the national movement as W. C. Bonnerjee, Dadabhai Naoroji, and several other Presidents of the Congress, besides several others who have been most prominent, during the last three decades and a half in our public activities. Our policy remains as heretofore —to give fair play to all, and to offer a forum for the expression of views from all points of views, by the leading exponents of various shades of opinion, with the reservation of the editorial pages for such comments as may represent the policy of the conductors of the *Hindustan Review*. The editorial policy will be, in future as in the past, what may be called Independent-Nationalist!—namely Nationalist, but not necessarily identified with any of the various Nationalist parties. In the present political situation in the country, when almost every political party has an organ of its own, there is all the greater need than at any time past for non party Nationlist organs—specially amongst periodicals—to synthesise the seeming divergencies of conflicting opinion, and to focus and reflect the essential unity of the ideas of Nationalist India to the world outside. The conductors of the *Hindustan Review* believe that with its very great political and literary traditions, this periodical is likely to prove itself pre-eminently fitted—though it be the proverbial fly on the wheel of Indian progress—to advance the cause of the country. Nerved by this conviction, they are launching to-day a new series, as a monthly, of this old-established and high-class periodical, in the ful-

ness of hope that it will continue to supply a want to the reading public in the country. They are aware of the many rocks ahead, they are not unmindful of the shoals and pitfalls that may lie in their way, but they have embarked upon their venture drawing their inspiration from the memorable words of Browning : –

> The best is yet to be
> The last of life, for which the first was made,
> Our Times are in His Hand,
> Who saith 'A whole I planned,'
> Youth shows but half, trust God :
> See all, nor be afraid !

THE NEW EXCISE POLICY IN BEHAR*

Sir, there are various reasons why I feel disposed to intervene in this debate. In the first place, the subject-matter of this resolution, namely drink, is very tempting; and, secondly, because in his inordinately long address, Mr. Peck, the Excise Commissioner, did the Kayastha community the honour to mention them between the Kahars and the Kurmis as those given to drink. Well, I desire to enter a respectful protest against that. The Kayasthas have always taken a leading part in drinking, and they have contributed enormously to the revenues of Government. To mention them between the two communities known as Kahars and Kurmis is not giving what is due to them from the head of the Excise Department.

Sir Ganesh Dutt Singh: They have given up drinking now.

Mr. Sinha: So that is the grievance of the Hon'ble the Excise Minister against the Kayastha community I have long been trying to hunt out the grievance of the Hon'ble Minister against the Kayasthas, and I understand it now. (Loud Laughter .

Well, Sir, it is not quite possible for anyone to discuss even at length the observations of Mr. Peck, on behalf of the Government, for the simple reason that the time which one will require to do full justice to his speech would be such as no President, however, lenient he may be, would allow. In fact, you, Sir, were hard put to it to curb Mr. Peck's inundating loquacity. He had taken the trouble to prepare a monumental treatise on the subject. He has told me in confidence that he wants to publish a history of the Excise policy, in this country, under British rule. It will be a very interesting book, I am sure.

Now I admire Mr. Peck's solicitude for the preservation of the system which he has introduced. As soon as

---

* *Text of a speech delivered by Mr. Sachchidananda Sinha in September, 1934, in the Bihar and Orissa Legislative Council, in support of a motion for the appointment of a Committee to examine the Excise policy of the Government.*

he got up to address you, Sir, and knowing full well how long his address was going to take, he turned round to ask Mr. Betterton for a glass of the limpid element. (Laughter). The appeal to Mr. Betterton was singularly appropriate, as the latter happens to be the Irrigation Engineer. (Loud Laughter). Mr. Betterton whom I have known for a long time, having had the privilege of working with him, is too much of a gentleman to offer an Excise Commissioner only a glass of plain drink, and so he supplied Mr. Peck with a glass of gin and water. (Loud Laughter). Fortified with his favourite drink, Mr. Peck placed before us an exhaustive and exhausting essay which would do credit to the latest edition of the 'Encyclopaedia Britannica', and he discussed in it almost every possible, conceivable and inconceivable, aspect of the excise question, relevant or irrelevant.

The Hon'ble the President:—It was all relevant.

Mr Sinha: It is no reflection on the Chair. I am only betraying my own mind, and I am entitled to say that parts of it seemed to *me* to be irrelevant. On this question opinions may well differ between the members of this Council and the Chair. Well, he discussed all the multifarious aspects of the Excise policy. These aspects can be scientifically and alphabetically grouped under the following heads:—aetiological, anthropological, archaeological, bacteriological, balneological, biological, climalological. chronological, conchological, cosmological, criminological, demonological, dermatological, embryological, epistomological, ethnological, etymological, furfurological, genealogical, geological, gynaecological, haematological, histological, horological, hydrological, ichthymological, jaundicological, kinematalogical, lack-o-logical, macrocosmological, metereological, methodological, microcosmological, mineralogical, morphological, multilogical, mycological, mythological, necrological, ontological, opthalmological, ornithological, paleantolological, pathological, penological, pharmacological, phenomenological, philological, psychological, pyhysiological, radiological, seismological, sexological, sexuological, semilogical, sociological, techological, teleological, theological, terminological, toxicological, unilogical, and, last but not least, zoological—but for all that his speech was, I say, highly illogical and grossly tautological (Loud, hilarious and

continuous laughter). It is, therefore, impossible for me to meet all his arguments, but as you allowed him, Sir, to traverse so large a ground, you will also permit me some little latitude.

I entirely agree with Mr. Peck that—quite apart from the question of the desirability of the extension of the one system or the other, the outstill or the distillery system, both of which are wholly unfamiliar to me—alcohol has been from ages out of mind the drink of both gods and man, and the man who is a teetotaller, like our Hon'ble Minister in charge of Excise, is a cursed fanatic, who is very much to be pitied, indeed. (Loud Laughter). Such a man administrating the Excise Department, is what is called a round peg in a square hole, or a square peg in a round hole—either way you put it. (Continuous Laughter) Any way the whole trouble about the Excise policy of the Government of this province is due to the fact that it has been now for more than ten years in the charge of a Minister who does not know really what alcohol means—unless it is prescribed by a doctor for him in some medicine. (Loud Laughter). He does not know the difference between even spirit and wine. (A Voice ' Shame '). In fact, his mind is entirely blank on this question and he, therefore, leaves it to be dealt with by the Excise Commissioner. If I could, I would urge on His Excellency the Governor, that this department should be transferred from Sir Ganesh Dutt to my friend Mr. Syed Abdul Aziz, who enjoys the confidence of all of us not only as an able and upright Minister, but also as one who has got no prejudice against drink, to put it mildly (Loud Laughter).

Sir, the question before the Council is a very simple one. It is not for the abolition of the new system, which Mr. Peck has introduced. The resolution, I understand, asks for a committee to be appointed to investigate the matter. I do not see what objection could possibly be urged to so reasonable a proposal. Had the administration of the Excise Department been on the reserved side, I could appreciate the attitude of the Executive Councillors in saying: "We are not responsible to you, we are responsible to the King in Parliament, we desire to carry with us your wishes so

far as we can, but after all we are not in any way bound to take your views into consideration, and we shall do what we like." But a Minister, who is constitutionally responsible to the House, should not have made, I submit, a departure from the old established distillery to the outstill system without consulting this House ; he should have either moved a resolution suggesting a change in the policy, when the Council would have got an opportunity to discuss this question, or preferably, he should have appointed a committee for investigation and abided by its recommendations. Mr. Peck told us that the old system was replaced in Bengal, in 1868. He quoted the views of a Deputy Collector, Syed Waris Ali, who recorded his views just three years before my birth, and who was the elder brother of that distinguished Indian Judge, the Rt. Hon'ble Syed Amir Ali. When Mr. Peck is revising his history of the Excise policy, he will take care, I hope, to put it in. At the same time, whatever the opinion of Syed Waris Ali, in 1868, we are dealing with the question in the year 1934, and it does seem to me a very reasonable request that any change in the policy and the administration of the Excise Department, which was now going to be introduced by the Government, should have been placed before this Council, either on a report of a competent committee which investigated the question, or at any rate on the motion of the Hon'ble Minister himself. That has not been done, and the Council has, therefore, a genuine grievance in this matter. The new policy, whatever success it might have met with from the Government's point of view, by bringing in an increased revenue, has not impressed us favourably. We have heard. Sir, the observations of the Hon'ble Members of Chota Nagpore and the neighbouring tracts, and though there is bound to be difference on any such question, the bulk of opinion seems to favour the view that this new system has not been a success that the Department expected it to be, apart from the question of a larger revenue. On the question of revenue, I fully realise the difficulties of our Government, on account of many sources of our revenue being wholly inelastic, and I could appreciate their desire to turn an honest, or even a dishonest, penny by means of the Excise administration At the same

time, Mr. Peck and the Hon'ble Minister are undoubtedly aware that there is a strong feeling abroad that Government should not, even remotely, encourage the habit of drink, especially amongst the labouring classes, the poorer classes and the cultivators, and if the new system undoubtedly leads to that, it should not be persisted in. There is no doubt about that (hear, hear).

I, therefore, appeal to the Excise Minister that he must respect the wishes of the Council by acceding to our request that this matter should be enquired into, and if the result of the investigation is that the new system is better, the Council will gladly accept it. On the contrary, if the report be that this system has led to the expansion of drunkenness amongst the poorer and the labouring classes—even though it may have brought increased revenues to Government—then certainly in the interest of the health and morality of the poorer classes in this province, this system should at once be put a stop to. I hope that when the Hon'ble Minister rises to address you, Sir, he will enlighten us as to the future policy of Government. (Hear, hear and applause.)

BABU RAJENDRA PRASAD : THE CONGRESS PRESIDENT :

A STUDY IN CHARACTER AND PERSONALITY*

And those who paint the truest, praise them most.

—ADDISON (*The Campaign.*)

" It does not lie in his great accomplishments, his wonderful ability and his extraordinary eloquence, though all these things do demand our admiration. But the people understand him. They know that he has profound sympathy with them, that he has nothing at heart but duty to promote those interests according to his honest views of them, and whether he judges rightly or wrongly about this question or that—and, of course, all of us are liable to error, and none pretend to infallibility—they know that he is a man actuated by the purest motives, and that he presents the highest example of public integrity".

The above words, uttered on a very memorable occasion by a great Lord High Chancellor of Britain, in connection with the public services of one of the greatest British statesmen—namely, by Viscount Selborne with reference to William Ewart Gladstone—can be applied with singular appropriateness to Rajendra Prasad's character and public activities by those who, like the present writer, may claim the privilege of having known him intimately, for years, in various spheres of his life, and not merely as a non-co-operating Congressman. And so, an attempt is made to paint him as he is—" warts and all "—for I feel that in painting him the truest, I shall praise him most.

II

Rajendra Prasad was born on the 3rd December, 1884, about a year before the Indian National Congress was founded, He comes of a highly respectable Kayastha family, settled in the Saran District, in North Behar. His father, Munshi Mahadeo Sahay, was a landlord. Rajendra was the fifth and the youngest child of his parents. An elder sister, the only other child of his parents, is still alive. Only a few months back he had the dire misfortune of losing his elder brother, Mahendra Prasad, who was just like a father to him, and whose

*Reprinted from the *Hindustan Review*, November, 1934.

loss he feels, therefore, as irreparable. Mahendra Prasad was a highly respected public worker, and placed to his credit a splendid record of very useful public activities in the co-operative movement, banking and business. It was he who took the keenest interest in the education and the up-bringing of Rajendra Prasad—after their father's death in 1907—and to whom the latter owes much of his success, in the various spheres of his life, as a public man.

When. Rajendra went to school, at Chapra, in 1893, Behar and Bengal were still united as the "Lower Provinces", and it was, therefore, a great achievement for him to have topped the list at the Entrance Examination of the Calcutta University in March, 1902. He was the first Beharee student to have achieved so notable a distinction, and naturally it evoked great enthusiasm in Behar. In noticing his success, the *Hindustan Review* wrote with an almost prophetic prescience as follows:— "Young Rajendra is a brilliant student, by all accounts. We hope he will sustain, in his University career, the high standard of his success in the Entrance examination. We wonder what the future has in store for him. Given good health, nothing open to Indians should be beyond his aspirations. We hope he will live to occupy a seat on the Bench of the High Court of his province, and receive the letter of appointment—as did Mr. Justice Chandavarkar, at Lahore,—when presiding over a session of the National Congress". What better prediction could then be made than what has practically come about in the fulness of time—except that the prophecy about the judgeship has been frustrated by the non-co operation movement?

Rajendra then joined the Presidency College, Calcutta. At the Intermediete Examination, he again stood first in the University. For the third time he stood first at the B. A. Examination, in 1906. He then joined the M. A. class, in English, as well as the Law class, in 1906, but was unable to take his B. L. degree until 1910, though he took his M. A. degree in 1907. This ended his academic career, and he left Calcutta to take up a professorship at the Greer College, at Muzaffarpur, where he worked for nearly a year. He returned to

Calcutta towards the end of 1909 to be articled to a senior lawyer, with a view to be able to practise in the High Court.

While a student Rajendra was never a book-worm. Even in his college days he used to take a leading part in such intellectual activities as debates and discussions. As a university student he took the initiative, in 1902, in starting the Beharee Club in order to provide a meeting place for the Beharees, in Calcutta and to help Beharee students in the matter of their accommodation on their arrival in India the then metropolis. This institution was in a very real sense the forerunner of the Beharee Students' Conference. By the time he had graduated in 1906, he had become passionately interested in political work. Those were stirring times. So that when the anti-partition and Swadeshi agitation was started, the Beharee students in Calcutta also felt its impact, and Rajendra Prasad threw himself heart and soul into it, with the result that his studies suffered, and he could not render as good an account of himself at the M. A. examination as people expected of him.

III

But the country gained what Rajendra lost. Out of those experiences and contacts with the awakened youth of Bengal, there emerged the student movement in Behar, to which he imparted the necessary inititive. As the result mainly of his efforts, there was held in September, 1906, the first session—and a highly successful one—of the Beharee Students' Conference in the Patna College Hall, under the presidentship of the late Mr. Syed Sharfuddin—afterwards a well-known judge of the Calcutta and the Patna High Courts. The Beharee Students' Conference has been justly acknowledged to be precursor of similar students' organisations in other parts of India, and it has had a list of eminent and distinguished Presidents, both from Behar and outside the province The starting of this highly useful institution may justly be assigned to the inspiration and devotion of Rajendra Prasad. At this time he was desirous to complete his education abroad. He did not then succeed in his desire to go to Europe. But later, in 1928, he visited England, in connection with the famous

Burma litigation in the Privy Council. Besides England, he then visited some other European countries also, and took the opportunity of meeting M. Romain Rolland. While engaged in pacifist propaganda in Austria, he was subjected to an almost murderous assault by some anti-pacifists, at a public meeting, at Gratz. He suffered serious injuries, and it was weeks before he could resume his normal activities.

Early in 1910 Mr. Gokhale being anxious to capture some young Beharees for his Servants of India Society, the name of Rajendra Prasad was suggested to him. Accordingly Mr. Gokhale invited the latter to meet him. As expected, Rajendra was very strongly attracted by the idea of joining the Society, and wrote a long letter to his elder brother, expressing a keen desire to do so. His brother, however, was very reluctant to give his consent, and so after a personal interview with him, and out of consideration for his wishes, he decided not to go to Poona. It is idle to speculate now what Rajendra might have been, or done, had he joined the Society. But the letter that he wrote, asking his brother's permission, to be allowed to do so, is at once so noble and high-minded, and also because it supplies the key to the understanding of his personality, that I may fittingly reproduce here a few passages from this long communication:—

"My brother, a sentimental man that I am, I could not speak to you face to face. I feel the call of a higher and more important character. It may be ungrateful on my part to leave you in difficulty and embarrassment. But I propose to you to make a srcrifice in the cause of 300 millions. To join Mr. Gokhale's Society does not mean any sacrifice to me personally. For good or for evil, I have had the benefit of such a training that I can adapt myself to any circumstances in which I may be placed. My living, too, has been of such a simple nature that I do not require any special equipment of comfort. What I shall get from the Society will be enough for me. But I cannot flatter myself that it means no sacrifice on your part You, who have been forming high hopes, will see your hopes dashed down in a moment. But in this transitory world all passes away—wealth, rank, honour. The wealthier you become,

the more you require, and although people may think that they are satisfied with gold, those who know anything know very well that happiness comes not from without, but from within. A poor man with his few rupees is more contented than the rich man with his millions. Let us then not despise poverty. The greatest men of the world have been the poorest, at first the most persecuted and the most despised. But the scoffers and the persecutors are gone into dust, no more to rise, no more to be heard of, while the persecuted and the despised live in the memory and the heart of millions. If I have had any ambition in my life it has been to be of some service to the country. Ambition I have none except to be of some service to the Mother. What prince or commoner is there who has the influence, the position or the honour of a Gokhale? And is he not, after all, a poor man?"

Thus wrote, nearly a quarter of a century back, the youthful Rajendra, words which he would repeat to-day even more emphatically as a man of fifty. It is this innate spirit of self-sacrifice and selflessness that has enabled him to achieve what many others, far more intellectual than him, have failed to do. In 1934, as in 1910, he lives a life of utmost simplicity. A rigid vegetarian and (of course) a strict teetotaller, his life is one of greatest simplicity—plain food, plain clothes and plain living all round. In spite of a frail health, embarrassed with chronic asthma, subjected to many privations and hardship as the result of his close association with the civil disobedience movement—Rajendra Prasad stands out in Indian public life to-day as a pathetic figure of great force and moral grandeur, and a towering personality amongst those who may justly claim to have dedicated themselves to the cause of the country as their sole and life-long avocation. The number of such true and genuine patriots, and absolutely selfless workers, is very small, indeed, at present, in this country; in fact, they may be counted at one's figure's ends. But there can be no doubt that in that very small group, Rajendra Prasad justly occupies a position in the front rank.

IV

Rajendra Prasad joined the Calcutta High Court in 1911, and continued to practise therein till in March, 1916, there was established the new High Court at Patna. In Calcutta he enjoyed a fairly good practice, and was recognized as a rising junior. In 1915 he had appeared at the M. L. Examination, and secured a first-class first. As soon as he started his career in the Patna High Court, he got into a large and lucrative practice, and came to be held in very great esteem not only by a growing clientele, but also by the judges and his colleagues. In fact, no junior of his standing in the profession was more sought after—alike by seniors and clients—than was he. It goes without saying that had he continued to practise, he would have been undoubtedly appointed, in the fulness of time, to the Bench of the Patna High Court, and possibly the prediction of the *Hindustan Review* would have been fulfilled to the letter, by his receiving the offer of an appointment to the Bench while presiding over a session of the National Congress—assuming, of course, that that organization had adhered to its old moorings as a purely constitutional movement. But things have fallen out differently, as they were destined to do in the changed circumstances of the country.

Soon after his having started practice at Patna, Rajendra Prasad's indefatigable energy became manifest in connection with the popular opposition to the very reactionary Patna University Bill, which had been introduced in the Imperial Legislative Council in September, 1916, by the late Sir Sankaran Nair, the then Education Member. Rajendra Prasad was then the Joint Secretary of the Behar Provincial Association. With great determination and courage he carried on, in co-operation with his colleagues, a vigorous propaganda in the press, and on the platform, and had the satisfaction of seeing the Bill substantially improved, before it was enacted. When the Patna University came into existence, in the year 1917, he found himself appointed to the Senate, and was later elected to the Syndicate. He was an enthusiastic worker, as a senator, in the cause of cheaper education, of a shorter university

course, and of the recognition of Hindi, and the other provincial vernaculars, as the media of instruction in schools. He was successful in getting the University to adopt some of his proposals, and would have probably succeeded in others also in the not distant future, if the non-co-operation movement had not intervened to make him cut off his connection with the University. He was held in great esteem by his colleagues, official as well as non-official, and his absence from the Senate was long felt as a very great loss by them. Though depriving himself thereby of the prospect of being appointed a Vice-Chancellor of the Patna University, he occupied later a similar position at the Behar Vidyapith—the nationalist University at Patna—which existed for some years till it was closed down due to Government having taken possession of its building, in the course of the measures adopted to combat the civil disobedience movement.

V

The event, which made history in Behar at that time has come to be known as the Champaran affair. When Mahatma Gandhi visited Behar in April, 1917, to make an inquiry into the grievances of the Champaran ryots, he was arrested and prosecuted, but subsequently released. Rajendra Prasad joined him to offer voluntary service, and remained there with him all through. When the Behar Government realised the gravity of the situation, owing to the unprecedented enthusiasm and popular response which this inquiry had evoked, it appointed an official committee, with Gandhiji himself as a member of it, to investigate the whole matter. This Committee found in favour of the ryots, with the result that the Champaran Agrarian Act of 1918 was passed by the Behar and Orrissa Legislative Council—removing most of their grievances, including the compulsory growing of indigo by them. This was Rajendra Prasad's first association with Gandhiji in a popular demonstration, which left its impress upon his future life. But until the happening of the Punjab disturbances in April, 1919, and the tremendous excitement it brought in its train, Rajendra Prasad continued to work on the old constitutional lines, and appeared in the cold season of 1918-9 as a witness, at Patna, before

the Franchise and the Division of Functions Committees, on behalf of the Behar Provincial Association.

When the agitation against the Rowlatt Act was started in 1919, Rajendra Prasad signed the pledge to break "unrighteous" laws and worked vigorously to organise the movement in Bihar. Things had by then begun to move fast in the country. Martial Law was soon declared in the Punjab, the late General Dyer had done his 'mighty' deed in the Jallianwala Bagh; Indian Muslims had felt outraged at the prospect of the dismemberment of Turkey by the victorious allies, and the political temperature had shot up high throughout the country. In 1920 at a Khilafat meeting, held at Patna, Rajendra Prasad made a strring speech and declared that if the special session of the Calcutta Congress—to be held in September of that year—accepted the non-co-operation programme of Mahatma Gandhi, he would throw in his lot with it. True to his word, he suspended his extensive and lucrative practice, and resigned from the University Senate even before the Nagpur Congress (of December, 1920) had confirmed the resolution on non-co-operation, passed in the previous Calcutta session. Ever since then he has been the one great leader of the Congress movement in Behar, and one of the greatest, in India, of direct action, non-co-operation, civil disobedience, and passive resistance. Even after he had undergone much loss and suffering, he contributed to the *Hindustan Reveiw*, in 1929, two brilliant articles, bubbling over with enthusiasm, headed "Back to Non-co-operation; Our Only Slogan", the concluding words of which were as follows:—"Let our slogan, therefore, be: 'Back to non-co-operation' for *that* alone will bring India to her destined goal". And though he is to-day, from a sense of discipline, backing Congress candidates for election to the Assembly, it may safely be said that in his heart of hearts he is not a believer in capturing the legislatures but in capturing the country through the momentum of non-co-operation and civil disobedience. The General Secretary of the Congress and a member of the Working Committee, for years, he was elected to preside, in 1932, over the abortive Puri session of the Congress, abortive because the Congress was not allowed to be held, and Rajendra

Prasad himself was in jail, at that time. He has already undergone imprisonment for civil desobedience three times—the first two sentences extending only six months each, but the third one to a period of no less than fifteen months.

VI

Rajendra Prasad was still in jail when on the 15th of January last, there occured that great cataclysm of Nature—the tremendous earthquake in Behar. As soon as he was released, two days later, he threw himself heart and soul into the great work of organizing relief for the thousands of his stricken fellow-beings, and he is still daily, nightly and hourly at it. Many have helped him, and cheerfully co-operated with him, in this gigantic task, but it is he and he alone who has been bravely shouldering the burden from the moment of his release, after completing his third sentence of fifteen months' imprisonment, in defence of his idea of freedom for India. Unaided by any adventitious forces, or fortuitous circumstances, he has been able to raise, as if by the magician's wand, a sum of over twenty-eight lakhs of rupees for the Behar relief, nearly half of the amount raised in response to the call of the Viceroy of India, with all his great influence, vast resources and tremendous prestige. This crowning achievement alone would entitle Rajendra Prasad to a place in the front rank of the great Indians who, in the twentieth century, have served Mother India with a devotion, worthy of appreciation and admiration.

Nor is Rajendra Prasad, very fortunately, of that and unfamiliar type of public worker in the India of to-day who believes, and wants all others to believe, that he, and those of his school of thought, can alone work wonders in all spheres of public activities. Broad-minded to a degree, catholic in the best sense of the term, modest in a remarkable measure, and willing to receive assistance from all desirous to help him, Rajendra Prasad has managed to secure, in the discharge of his arduous duties as the President of the Behar Relief Committee, the fullest co-operation of the representatives of all schools and of all shades of political thought, which redounds as much to his credit as to theirs.

VII

It would be easy to cover a larger canvas with a delineation of Rajendra Prasad's saintly character and loveable personality, but I advisedly forbear from attempting it. I have tried to show that though Rajendra Prasad is a leading figure in that section of Indian nationalists which believes in the efficacy of direct action, as opposed to constitutionalism, he is nevertheless great not so much because of it, as in spite of his being identified with the tenets and activities of a particular party. The mere party man in the India of to-day—whether a constitutionalist or a direct-actionist —is bound to be, in the present political condition of the country, more or less dangerous to the cause of progress, by reason of his narrow-minded intolerance, audacious pugnacity and truculent demeanour, even if he not be obsessed with an almost fanatical perversity, and a supreme contempt for all who do not see eye to eye with him, because of his close association with a doctrinaire empiricism. Such persons—even when most intellectual or patriotic—are more a source of great hindrance to India's progress towards economic and political freedom, because by the over-emphasis of the particular shade of thought they have developed, their mental horizon becomes cribbed, cabined and confined and their vision becomes limited. It is to the highest credit of Rajendra Prasad that inspite of his closest association, for now nearly fifteen years, with the new school of political thought, as represented by the non-co-operation Congress, he has not at all allowed his vision to be clouded, his judgment to be warped, and his sympathy to be confined to any one particular group only. It may be that sometimes party forces and influences have proved too strong even for him, that very occasionally he has failed to assert himself, or to rise to the full height of his stature, for setting right wrongs which needed to be rectified, and that on rare occasions he might even have been found wanting, judged from the standpoint of carping critics and cavilling fault-finders. If so, I shall leave it to them to pick holes in the character and activities of one who has never claimed to be an angel, or a transcendental being—a superman. But while it would be foolish to

claim infallibility for any public worker, Rajendra Prasad, beyond all doubt, offers us a glorious example of one who alike in his public activities and private relations is "actuated by the purest motives" and "presents the highest example of public integrity". Thus it is, as Mathew Arnold sings, that

> "To see things in their beauty
> Is to see them in their truth."

MUSIC CONFERENCES IN INDIA.

LADIES AND GENTLEMEN,

I am deeply sensible of the honour you have conferred on me in asking me to preside over this Conference, and giving me thereby an opportunity of expressing my warm appreciation of the efforts of the Allahabad University in encouraging the study of Indian Music. I welcome this opportunity of stating the views of a very large section of the public that the United Provinces of Agra and Oudh are highly indebted to this University for allowing to Music such an important place in its activities. To Dr. Dakshina Ranjan Bhattacharya, who has so successfully organised these Conferences, our thanks are due in special measure, and I am sure you all will join me in conveying to him our sense of appreciation of his great work.

You have had for the past several years Music classes here, and you hope before long to institute, I understand, a diploma in Music. In the West, as you are doubtless aware, several Universities award even doctorates in Music. It is my fervent hope that, in the fulness of time, here too Music will form a subject for a University degree. I trust your teachers devote attention to the several ways in which a study of music can be profitable. They teach to some, I hope, the nature of music ; impart to others instruction in singing, or playing on some instrument ; yet to others they inculcate an appreciation of high-class music. In all these cases what is of prime importance is the training of the ear to detect musical tones, and relating them with each other into sensible and delightful order. Above everything they should realise, and make their students realise, that music ceases to have its main justification if it is not agreeable to the ear, to even the vulgar ear, to the ear of the untrained and the uninitiated. The grammar of music, like the grammar of language, is, alas, inevitable ; but he is no true artist who allows his attention to be absorbed by, and his soul to be smothered under, the dead weight of technique and of oral gymnastics. The antics of a vocal acrobat may amuse

---

Presidential Address delivered at the Allahabad University Music Conference, 1934.

us awhile, but we cannot pretend to be edified or moved and exalted thereby; for music, to be able to possess charm to soothe a savage beast, must be sweet, and not harsh or grating.

Of the importance of music in a system of education the ancient Greeks had no doubt. They divided education into the two branches of gymnastic and music, and these, they held, should be so balanced and proportioned that the man should become a harmonious whole. With the following famous passage from Plato's *Republic* many of you will be probably familiar, but it is so apposite that I make no apology for quoting it, though, I fear, it is a trifle too long :—

" What is the result of hard gymnastic exercise and good living, with no participation in music and philosophy ? Is not the first result that a man being sound in body is filled with understanding and spirit and becomes braver than he has ever been before ? But what if he continue exclusively in this course, and have no fellowship whatever with the Muses ? If there were ever in his soul any love of learning, then since it is starved of all knowledge and inquiry, and is debarred from discourse and all music, does it not become weak and lame and blind, being never roused and never fed, and having its senses unpurged ? Such a man becomes a hater of reason, and unmusical. He no longer uses the persuasiveness of discourse, but accomplishes all his ends by violence and fierceness, like a brute beast, and lives in ignorance and ineptitude, devoid of all rhythm and grace. That is precisely what happens. Then seemingly for those two elements of the soul, the spirited and the philosophic, God, I should say, has given men the two arts, music and gymnastic. Only incidentally do they serve soul and body. Their purpose is to tune these two elements into harmony with one another by slackening or tightening, till the proper pitch be reached. Then we shall rightly name as the perfect master of music and understander of harmony not him who can attune the strings, but him who can most fairly mix music and gymnastic and apply them in the most perfect measure to the soul ".

Now it is clear from the above extract from Plato which I venture to commend to your careful considera-

tion—that the word Music formerly included all moral, aesthetic, and intellectual culture, and it is gratifying that our Universities have begun to realise the importance of reviving the study of such an important part of our cultural heritage. I said that Music must be sweet. Our old Indian authorities divided the science and art of *Sangit* into seven parts, each of which was adequately emphasised so as to make Music agreeable, a real concord of sweet sounds. First, there is *Sur*, a knowledge of the seven musical tones, with their subdivisions. Second, *Rag* or melody. Third, *Tal*, the measures, with the method of beating time. Fourth, *Nritya*, dancing, harmonic and rhythmic movement. Fifth, *Artha*, the meaning of the poetry sung. Sixth, *Bhava*, or expression and gesture. And seventh, *Hast*, how to perform on the several musical instruments. If we add to this voice-culture, we have a complete course of musical training. This last deserves special attention from a Conference such as this. Voice-training seems to be so completely neglected in our country that one sometimes wonders if harshness is not at a premium these days. In this matter we compare very unfavourably with the adepts and exponents of western Music, and I shall press upon you to pay particular attention to the culture of the voice.

I am perhaps not imbued with sufficient refinement, but I am not altogether in sympathy with the position of those purists who would banish from our music academies and colleges everything which is not strictly classical. That attitude spells stagnation. To hark back to the music of the *Samaveda* may be flattering to our sense of vanity, but it is to be deaf to the march of progress and blind to the signs of the times. At best those pieces of high-class abstruse music can only appeal to the chosen few; but ordinary mortals have to be content with a less ethereal atmosphere. And are we sure that that which comes home to men's business and bosoms, which tells us of our daily toil, our little cares, and our grievous losses, our raptures and our hopes, which treats of love and sorrow and pain and triumph, is necessarily low and insignificant? There are five main kinds of music, and only according to one's mood of the moment and temperament will be one's appre-

ciation of one or the other kind. 1. *Dhrupad*, the heroic song, celebrating epic incidents and memorable deeds, eschewing adornments, and sung in a manly and martial style. 2. *Kheyal*, usually a song of love, elegant, full of pathos, and generally characterised by graceful melancholy. 3. *Tuppa* the style originally adopted by the camel-drivers of the Punjab and dealt mainly with the tragic episodes in the love-story of Heer and Ranjha, but now adapted to other situations as well. 4. *Thumri* a lively measure, a slight love incident, a lover's tiff, or a gentle upbraiding is its usual subject. 5. *Dadra* the smart and brisk song of love-interest. I may suggest that your appreciation of our distinguished musicians assembled in this Conference will be greater, if you know in which kind of music they have specialised.

It remains for me to express the hope that the Conference may succeed exceedingly well, and its organisers realise their aim of popularising music, of removing any prejudices that may still linger against it, of letting all classes see how vitally and beneficently music can change their hearths and homes. Sweet and abiding influence for good spreads with music. It is in song and dance that the great God Shiva expresses the rhythm of life, and the harmony that makes death a natural transition from life. And here in song and dance we all can easily forget the sorrows and sufferings of life, the whips and scorns of time, the bitterness of election contests, the unpleasant intricacies of the Hindu-Muslim political differences, the acute controversy about the Communal Award which has divided those who should have worked together on a common political platform, the keen disappointment experienced by many at the very contemplation of the scheme propounded in the White Paper and its threatened and prospective whittling down in the Report of the Joint Select Parliamentary Committee, and the many heart-pangs which needs must terribly shake, from time to time, the very soul of every genuine and patriotic Indian who truly realizes the depth of degradation into which this great and historic land of ours has fallen. Yes, when all other remedies fail to reconcile us to our lot, let Music—Divine Music—prove a veritable

balm of Gilead to soothe our lacerated hearts, and an effective panacea for the many ills of our body politic, by introducing in our midst as its inseparable concomitants, sweetness, harmonious relations and rhythmic co-operations, amongst the various classes, sections and communities in our country.

Printed by RAMZAN ALI SHAH at the National Press, Allahabad